SENATE—*Thursday, June 10, 1999*

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

PRAYER

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

Almighty God, all-powerful source of true spiritual power, authentic leadership power, and lasting inspirational power, we come to You to be empowered by Your indwelling spirit. Forgive us for our desire for the facsimiles of real power. We struggle for power, play power games, and barter for power within our parties and between our parties. Often we manipulate with quid pro quo. Sometimes we use people as things instead of using things and loving people. Help us to be so sure of Your love and so secure in Your power that we will be able to live honest, open, nonmanipulative lives.

You have told us that the truth sets us free. We commit ourselves to search for Your truth about the issues that confront us, debate the truth as You have revealed it to us, and speak the truth in love. May this be a day in which the Senate exemplifies to America and to the world the unity of those who may differ in particulars but are never divided on essential issues.

Today we thank You for the distinguished leadership of Senator TED STEVENS. Yesterday he cast his 12,000th vote as a U.S. Senator. Now we cast our votes of affirmation and appreciation for his strong and decisive leadership. Thank You for his faith in You and for his unswerving patriotism to our Nation. Through our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. Senator MCCAIN is recognized.

Mr. MCCAIN. I thank the Chair.

SCHEDULE

Mr. MCCAIN. Mr. President, today the Senate will immediately resume consideration of the Y2K legislation with the intention of completing action on that bill this afternoon.

Following the debate of S. 96, the Senate may begin consideration of the State Department authorization bill, any appropriations bills available for action, or any other legislative or executive items on the calendar. Therefore, Senators can expect votes throughout today's session of the Senate.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, leadership time is reserved.

Y2K ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 96, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 96) to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems related to processing data that includes a two-digit expression of the year's date.

Pending:

McCain amendment No. 608, in the nature of a substitute.

Bennett (for Murkowski) amendment No. 612, to require manufacturers receiving notice of a Y2K failure to give priority to notices that involve health and safety related failures.

Mr. MCCAIN. Mr. President, I am pleased with the progress we have made thus far on this bill. We have limited the number of remaining amendments, and I am hopeful we will be able to reach agreement as to time agreements on the remaining amendments so we can conclude consideration of this important legislation.

I am also pleased we have turned back two attempts to emasculate the legislation. Those critical votes encouraged me that the Senate will be able to pass meaningful and effective legislation regarding the top priority issue for the broadest possible cross-section of the Nation's economy.

The ongoing fight between the welfare of the Nation's economy and the trial lawyers is going to reach additional crucial votes on amendments today and in final passage. Over the past few weeks, I have waited to hear rational, logical reasons for defeating this legislation or for gutting it with more compromises. I have heard none.

S. 96, with the substitute amendment offered, represents a reasonable and effective means of addressing this important issue. It represents a significant compromise from the version of S. 96 which passed out of the Commerce Committee, and even greater departure from H.R. 775 which was recently passed by the other body. It truly incorporates bipartisan discussion, negotiation, and compromise. While ensuring it is not mere window dressing or mirage, there is nothing in this bill which should be objectionable to any of my colleagues who truly want a solution to the Y2K problem rather than an excuse to protect the litigation industry. This matter is of utmost importance to the broadest cross-section of American commerce imaginable. Accounting, banking, insurance, energy, utilities, retail, wholesale, high tech, large and small, all support this effort to prevent and remedy Y2K problems and to avoid a disastrous litigation quagmire. They are unanimous and steadfast in their support for S. 96 with the Wyden and Dodd agreements.

As opponents, we have the trial lawyers, a cost center in our economy. The interests of the trial lawyers are clearly to assure a continued income stream from Y2K litigation. I have been told that over 500 law firms have established practice specialties to handle Y2K litigation. Many of these firms are reportedly touring the country dredging for clients. Opportunistic legislation costs the economy money, time, and resources which then cannot be expended on value-added productivity.

As I have stated several times during this debate, the cost of solving the Y2K problem is staggering. Experts have estimated that businesses in the United States alone will spend $50 billion in fixing affected computers, products, and systems. But what experts have also concluded is that the real problems in costs associated with Y2K may not be the January 1 failures but the lawsuits filed to create problems where none exist.

An article in USA Today on April 28 by Kevin Maney sums it up. I quote:

Experts have increasingly been saying the Y2K problem won't be so bad, at least relative to the catastrophe once predicted. Companies and governments have worked hard to fix the bug. Y2K-related breakdowns expected by now have been mild to nonexistent. For the lawyers, this could be like training for the Olympics, then having the games called off. The concern, though, is that this species of Y2K lawyer has proliferated and now it's got to eat something. If there aren't enough legitimate cases to go around, they may dig their teeth into anything. In other words, lawyers might make sure Y2K is really bad even if it's not.

I am looking forward to continued debate on the merits of this bill with those who do object to it. I look forward to voting on other amendments and bringing this critical legislation to a successful conclusion.

I believe the two votes we took yesterday, one on the Kerry amendment and one on the Leahy amendment, clearly indicate the position of the significant majority of this body, because those two were very critical amendments. Both of them would have had a significant effect on this legislation—obviously, in my view, a significant weakening effect.

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

I thought the debate we had yesterday, especially with the Senator from Massachusetts but also with others, was a very important and valuable debate and contributed to the knowledge and information of all Members of the Senate. We intend very soon to propose a couple of amendments that have been agreed to by both sides, but at this time, with the absence of the minority in the Chamber, we will wait for that to happen.

I want to quote from a statement of ''Administration Policy'' concerning this legislation.

The administration strongly opposes S. 96 as reported by the Commerce Committee, as well as the amendment intended to be proposed by Senators MCCAIN and WYDEN as a substitute. The administration's overriding concern is that S. 96 is amended by the McCain-Wyden amendment . . .

Actually, it is McCain-Wyden-Dodd—

. . . will not enhance readiness, and may in fact decrease the incentives organizations have to be ready to assist customers and business partners to be ready for the transition of the next century. This measure would protect defendants in Y2K actions by capping punitive damages and by limiting the extent of their liability to their proportional share of damages, but would not link these benefits to those defendants' efforts to solve their customers Y2K problems now. As a result, S. 96 would reduce the liability these defendants may face, even if they do nothing, and accordingly undermine their incentives to act now when the damage due to Y2K failures can still be averted or minimized.

I have to admit, as a member of the opposition, that I have seen some fairly tortured logic associated with messages of veto threats by the administration. I am not sure I have ever seen such tortured logic as is embodied in this particular paragraph I just described.

One of the fundamental facts that has been ignored—obviously must have been ignored in this message from the Executive Office of the President, OMB—is that these companies and corporations that are all supporting this legislation are both plaintiffs and defendants. In other words, many of these companies will be bringing suit themselves or seeking to have others fix their Y2K problems and may bring it to court if that is not the case.

When we are talking about this legislation, at least according to the administration, S. 96 would reduce the liability these defendants face, even if they do nothing, and accordingly undermine their incentives to act now. One would have to have one's curiosity aroused as to why people who are prospective plaintiffs would limit their ability willingly to seek redress and to repair any problems associated with their business.

From the Clinton administration there is a ''Background Paper'' from PPI, the Progressive Policy Institute, entitled ''Avoiding the Y2K Lawsuit Frenzy, Ensuring Y2K Liability Fairness.'' I would like to quote from that. The authors are Robert Atkinson and Joseph Ward.

While the Clinton Administration has voiced support for some of the broad goals found in these bills, it has expressed serious reservations about certain provisions, in part on the grounds that their scope is unprecedented and that it is not fair to limit liability for firms in this or any circumstance. As discussed below, some of its concerns should be addressed in revised legislative language, but the overall concept of a fair liability regime is still very necessary in this case. It is important to recognize that the Year 2000 is a one-time event that appropriately deserves a one-time solution.

That seems to have been ignored by the administration. In three years, this legislation sunsets. Then we go back. No matter how zealous an advocate I happen to be for raw tort reform and product liability reform, the fact is that this legislation will be over 3 years from now.

The goal of public policy in cases like this should be the side of innovation and economic growth, and not on the side of predatory legal practices that seek to harvest the fruits of others' labor. In this regard, the bills mentioned above are similar to the Private Securities Litigation Reform Act that the Progressive Policy Institute (PPI) supported in 1995, which sought to reduce litigation that would harm economic growth or raise the cost of goods and services for most Americans. However, while PPI believes that some Y2K liability-limiting legislation is needed and that these bills provide a useful framework for action, there are certain aspects in each of the bills that appear to err too far in favor of potential defendants. In particular, it appears that some of the restrictions on who can recover both punitive damages and compensatory damages for economic loss may exclude individuals who suffer losses resulting from a defendant's reckless disregard or fraudulent behavior. In order to ensure that effective liability-limiting legislation passes Congress with required bipartisan support, both sides of the aisle should work together to responsibly and fairly address these issues.

Which we did address, thanks to Senator WYDEN and Senator DODD.

They:

Encourage remediation over litigation and the assignment of blame;

Enact fair rules that reassure businesses that honest efforts at remediation will be rewarded by limiting liability, while enforcing contracts and punishing negligence;

Promote Alternative Dispute Resolution; and

Discourage frivolous lawsuits while protecting avenues of redress for parties that suffer real injuries.

Clearly, thanks to not just the original legislation but the changes that we gladly accepted from Senator WYDEN and Senator DODD, we have addressed those concerns.

They go on to say:

The effects of abusive litigation could be further curbed by restricting the award of punitive damages. Punitive damages are meant to punish poor behavior and discourage it in the future.

Everybody knows we will not have this problem again.

However, because this is a one-time event, the only thing deterred by excessive punitive damages in Y2K cases would be remediation efforts by businesses.

Except in cases of personal injury, punitive damages should be awarded only if the plaintiff proves by clear and convincing evidence that the defendant knowingly acted with ''reckless disregard.''

Except in cases of personal injury, punitive damages should be awarded only if the plaintiff proves by clear and convincing evidence that the defendant knowingly acted with reckless disregard.

In his last State of the Union Address, President Clinton urged Congress to find solutions that would make the Y2K problem the last headache of the 20th century, rather than the first crisis of the 21st. Year 2000 liability legislation needs to be a part of that effort. By promoting Y2K remediation rather than unsubstantial and burdensome litigation, we can begin the next millennium focused on continuing this period of unprecedented economic growth, instead of unproductively squabbling over the errors of the past.

I want to point out again that already we are seeing a significant drain on our economy just fixing these problems associated with Y2K. Later on I will include in the RECORD some of the expenses that a number of major corporations and small businesses have already been required to expend that otherwise could have been spent on far more productive and beneficial efforts, such as research and development, et cetera.

But if we add this burden, I am convinced, as are most economists, that we can have a definite deadening effect on this unprecedented economic prosperity we are experiencing thanks to the very nature of what we are trying to fix. Had it not been for this incredible information technology revolution we are going through, I know we would not be in this period of unprecedented economic prosperity. That is why I think this legislation is so important. I think in some respects you could rank this legislation among the most important that the Congress will address this year.

Again, I thank my friend, Senator WYDEN, and others on the other side of the aisle for joining together so we could obtain a significant majority that I believe will now give us room for optimism that we can pass this legislation today or, at the latest, early next week.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Thank you, Mr. President.

I would like to pick up on a couple of points made by Chairman MCCAIN, and particularly on this matter of tackling the issue in a bipartisan way.

Certainly, when a consumer business gets flattened early in the next century as a result of a Y2K failure, they are not going to ask, is it a Democratic failure or a Republican failure? They are going to say: I have a problem. What is being done to fix it?

The central point we have been trying to make—Chairman MCCAIN, and Senator DODD, who is the Democratic leader of the Y2K effort, and I—is that we have spent many weeks trying to tackle this in a bipartisan way.

The fact of the matter is that when the bill came out of the Senate Commerce Committee, we were not at that time able to come before the Senate and say we did in fact have a bipartisan bill.

As a result of the negotiations that have taken place for many weeks now—led by Senator DODD, our leader, Senator FEINSTEIN of California who has great expertise in this matter, and a variety of Democrats—we have now a bill that has 11 major changes that assist consumers and plaintiffs in getting a fair shake with respect to any litigation which may develop early in the next century.

These were all areas where a number of Members on the Democratic side of the aisle thought that the original Senate Commerce Committee bill came up short. We went to Chairman MCCAIN, and we said we would like to get a good bill; we would like to get a bill the President of the United States could sign; we would like to get a bipartisan bill.

We said we had a few bottom lines. One of them was that we were not going to change jurisprudence for all time; this was going to be a time-limited bill. Chairman MCCAIN agreed to our request that this last for 36 months. This is a sunsetted piece of legislation. We insisted this bill not apply to anybody who suffers a personal injury as a result of a Y2K failure. If you are in an elevator or you suffer some other kind of grievous bodily injury as a result of a Y2K failure, all existing tort remedies apply.

We took out all the vague defenses that some people in the business community earlier thought were important. We said we are not going to give somebody protection if they just say they made a reasonable effort to go to bat for a plaintiff or the consumer.

Those 11 major changes were made to try to be responsive to what the White House and a variety of consumer groups feel strongly about.

Frankly, the area I am most interested in, in public policy, is consumer rights. I started with the Gray Panthers. I was director of the Gray Panthers for 7 years before I was elected to the House of Representatives, making sure that consumers got a fair shake and that the little guy was in a position, if they got stuck in the marketplace, to have remedies. That is at the heart of my public service career.

I believe this is a balanced bill. This forces defendants to go out and cure problems for which they have been responsible. It also tells plaintiffs we would like them to mitigate damages; we would like them to figure out ways to hold down the cost; we should direct as much as we possibly can to alternative dispute systems. Picking up on the theme of Chairman MCCAIN, that is a bipartisan proposition. I think we have been responsive to key concerns that have been made by those with reservations about this bill.

There are some areas where we cannot go. I will emphasize as we move to today's debate a couple of those big concerns. We cannot allow under our legislation the creation of new Y2K torts that are not warranted on the basis of the facts. We believe, in areas like the economic loss issue which was debated so intensely yesterday, that the appropriate remedies involve State contract law. When consumers are faced with economic losses, we want to see them get a fair shake in this area, and we believe State contract law should govern.

What we are not able to do is allow those who believe State contract law is inadequate with respect to economic losses, we cannot support them repackaging those claims as new Y2K torts. We favor the status quo. With respect to economic losses, we want to see consumers protected in the right of contract. However, this Member of the Senate thinks it would be a big mistake to create on the floor of the Senate today and in the days ahead new Y2K torts, new tort claims, that don't exist today under current law.

I am very hopeful that we are able to finish this legislation today. It is bipartisan legislation now as a result of the 11 changes that have been made. I am very hopeful the White House will not veto this legislation. I have said repeatedly that to veto a responsible bill is just like lobbing a monkey wrench into the technology engine that is driving the Nation's prosperity. That is what is going to be the real effect of vetoing a responsible bill in this area.

We continue to remain open to ideas and suggestions from colleagues. We want this bill signed. We have made, as I say, 11 major changes since this bill left the Senate Commerce Committee on a bipartisan basis under the leadership of Senator DODD, who is the Democratic leader on the Y2K issue. There are areas where we cannot go, such as the creation of new Y2K torts in this area.

I look forward to today's debate and am anxious to continue to work with colleagues in a bipartisan way. I am very optimistic that the bill the Senate hopefully will pass today will get the support of the White House.

I yield the floor.

AMENDMENT NO. 612, AS MODIFIED

Mr. MCCAIN. Mr. President, on behalf of Senator MURKOWSKI, I send a modification to amendment No. 612.

It is my understanding this amendment is acceptable to both sides.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

The amendment (No. 612), as modified, is as follows:

Section 7(c) of the bill is amended by adding at the end the following:

(5) PRIORITY.—A prospective defendant receiving more than 1 notice under this section may give priority to notices with respect to a product or service that involves a health or safety related Y2K failure.

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

The amendment (No. 612), as modified, was agreed to.

Mr. MCCAIN. I move to reconsider the vote.

Mr. HOLLINGS. I move to table the motion.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Mr. HOLLINGS. Mr. President, there is no question that the distinguished Senator from Connecticut, Mr. DODD, and the distinguished Senator from Utah, Mr. BENNETT, have done yeomen work in alerting the land with respect to the potential Y2K changeover as of January 1, 2000. Pursuant to their diligent work, we have had hearings in several of the committees. We have had laws passed now that allowed the parties to communicate with each other without fear of antitrust violations so they could go ahead and work to make sure that everyone was Y2K compliant.

I only came to the floor just momentarily, hearing about predatory law exercises, exercises of predatory law practices and otherwise you get what you get under the contract. The atmosphere or environment is totally out of sorts. We are hearing about a litigious society. The distinguished Senator from Connecticut again and again said, and I noted the expressions I was looking for in the morning Record: ''running to the courthouse,'' ''race to the courthouse,'' ''rushing to the courthouse,'' on and on. Again: ''shopping around to find someone with deep pockets,'' ''glitches.''

I have a glitch on my computer right now, and I know they have deep pockets, but I am not rushing to the courthouse. People who have computers want to do business. They rely on the computers for the procedures and the progress of their interests. Having practiced law actively in the courtroom for 20 years, I can tell you nobody rushes to the courthouse. Try a rush beginning this afternoon and you will find yourself standing in line. All the

civil dockets and criminal dockets are full.

This panorama and environment painted by the proponents of this legislation is all out of sorts with reality. Tort claims are down. All the surveys we have had at the hearings show that tort claims are down. It is a litigious society. Everybody is suing everybody for sex discrimination or age discrimination or racial discrimination and various other suits that were unheard of 30 years ago and are now abundant on the docket. But with respect to claims, tort claims, if this afternoon I brought a summons and complaint on behalf of my distinguished chairman, I would be lucky if I could get to the courthouse during the year 1999. That is the reality.

Incidentally, the cases they talk about—litigious, frivolous cases and spurious charges and those kinds of things—and trial lawyers, they try to fit trial lawyers in there like they prey; ''predatory'' is the word used by my chairman. Trial lawyers have no time for fanciful or spurious claims whatsoever. They know when they get the client, the client does not have any money for billable hours. On the contrary, the client principally has to rely on the lawyer's faith in the claim of the client in order to take care of all the charges, all the expenses of interrogatories, discovery, the pleadings, the filings, the motions, the trial itself. And when you come to verdicts, mind you me, those who bring the claim have to get all 12 jurors by a greater weight or the preponderance of the evidence making that finding; 11 to 1 is a mistrial. So you have to get all 12 and you have to be sure there is no error within the trial.

All along, the expenses are taken care of. That is what nonpluses this particular individual Senator, in the sense I am surrounded here in the District of Columbia with 60,000 billable hour boys running around talking about ''litigious society,'' ''predatory practices,'' ''rushing to the courthouse,'' ''racing to the court,'' ''running to the courthouse,'' ''shopping around.'' Here is 59,000 lawyers registered to practice in the District of Columbia who will never see a courthouse. They will see a Congress. They will see you and me, the jurors. We are supposed to be fixed, so they work on fixing juries and running around spreading rumors and doing a favor here and getting a favor there. So that is the real world we live in.

But to paint this legislation as doing away with predatory practices and racing to the courthouse and running to the courthouse? You have a $10,000 or $20,000 computer, if you are a doctor and you have a computer, and you want it fixed. You do not want a trial. They have made it so you are bound to go out of business and not get a lawyer, if you cannot get any damages, economic damages.

The distinguished Senator from Oregon, again and again and again, says: Get what the contract says, get what the contract says, billable hours, get what the contract says. If you go buy a computer and get a warranty—and that is the contract—it is only for a certain period of time and everybody reads that warranty quick. Who says anything about economic damages? It will say something about a sound article for a sound price and they will give you some repairs after you stand in line, and so forth. But with respect to your standing in line and waiting, under this bill for 90 days, you are broke. You are out of business. You are closed down. You have lost your customers. This is a fast-moving world in which we live and small business, with all the competition, does not have in-house counsel on retainer, on billable hours, just as all the computer companies do that are force-feeding this particular measure.

That is why the Senator from South Carolina gets annoyed with the entire thrust of the measure.

With respect to its needs, let's go to the record. Under the Securities and Exchange Commission, all publicly listed companies, through their 10(k) reports to the SEC, give notice to the stockholders of the state of readiness, the worst case scenario, or the risk involved, the contingency plans to comply with any potential Y2K problem, and the cost. Many of them, most all of them—I do not know any privately. I talked with the gentleman from Yahoo. Four years ago, he was a Stanford student, and now he is well along the way. I admire him because, unlike AOL, America Online, that everybody is hugging and loving around here, dining and wining and traveling out to Virginia, Yahoo does not charge. America Online is trying for a monopoly. The cable folks have around 300,000 to 400,000; America Online has 17 million, and their push for openness, openness, openness means: Let me make sure I retain my monopoly.

In any event, all of these are publicly held companies and they are burdened with that duty, and this has been going on. We act like everything with Y2K is going to happen tomorrow. The bill gives them 90 days. We are going to give them 180 days. Tell them to go ahead and fix it. Call up everybody now; test it; find out if it is Y2K compliant.

I look forward to meeting some of these company people later today. Cisco Systems, as of December 1998, a year and a half ago: Current products are largely compliant in their 10(k) report to the SEC.

Yes, here it is. Dell Computer. Here is a distinguished gentleman who has made a tremendous success. He deserves every bit of credit. I am not talking in a cursory or derogatory fashion. I am talking in an admiring fashion. I love success and particularly business success. I give him every bit of respect. Dell Computer, as of December 14, 1998, in their report: All products shipped since January 1997 are Y2K certified, I say to the Senator from Oregon. I want him to hear that. We have it here. Dell Computer, one of the best, as of December 14, 1998, all products shipped since January 1997 are Y2K certified.

General Electric: A complete analysis of the microprocesses; Y2K compliant as of November 12, 1998.

Intel Corporation: The company has assessed the ability of its products to handle the Y2K issue and developed the list, published it and support follows. As of November 10, 1998, they will be in compliance. Deployment, integration tested, will be completed by mid-1999.

I do not have their mid-1999 report, but that is what they reported to their stockholders. That is where lawyers look at these things.

Incidentally, this Senator voted for the Securities and Exchange Commission reform with respect to the excessive reading of these filings and bringing any and every charge as a result of 10(k) filings. We did not want to require the filing and just lay the groundwork for predatory legal practices. I helped the distinguished Senator, Nancy Kassebaum, pass the airplane tort liability bill. I have been on both sides of this fence. But they have me categorized, and I love it.

The truth is, Yahoo systems are currently Y2K compliant in all respects. That is February 26, 1999.

Even writing a book with respect to this is very interesting. The book, to be published later on this summer, by Eamonn Fingleton, is ''In Praise of Hard Industries.'' I quote from page 65:

> A major part of the problem is that corporate America's top executives have not been monitoring their information technology departments as closely as they should. As Paul A. Strassmann has pointed out, the millennium problem, for instance, is stunning evidence of ''managerial laxity.'' In his book, The Squandered Computer, Strassmann comments: ''There is absolutely no justification for allowing this condition to burst to executive attention at this late stage.''
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> According to Strassmann, a former chief information officer of Xerox Corporation, the computer software industry should have started getting ready for the new millennium by the early 1970s, if not the mid-1960s. He gives short shrift to the software industry's excuse that the millennium bug arose because programmers were legitimately concerned about economizing on computer space. He maintains that such economizing was justifiable only in the very earliest days of computerization, the era of punched cards, which ended in the mid-1960s. ''The insistence on retaining for more than thirty years a calendar recording system that everyone knew would fail after December 31, 1999, is inexcusable management.''

There you go. Here they come up with Chicken Little, the sky is falling, predatory law practice, racing to, running to the courthouse, whoopee to the

courthouse, a total fanciful background that does not exist.

Let me come up to date. What is this? I never have read it before, but I learn. The May 1999 issue of Institutional Investors. This crowd does nothing but make money and sit around and punch. The article, on page 31, ''Y2K? Why not?''.

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

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

Y2K? WHY NOT?

The millennium draws near, with no shortage of dire prognostications. The Y2K computer bug, depending on which Cassandra is consulted, may bring widespread power outages, transportation foul-ups, even economic hardship. Duetsche Bank Securities chief economist Edward Yardeni, for example, believes there's a 70 percent chance that a recession—most likely severe and yearlong—will hit in 2000, all because so many computers will, at the stroke of midnight, think they're entering the 20th century.

These worries notwithstanding, most U.S. companies appear to believe they have the Y2K problem licked. A resounding 88.1 percent of the chief financial officers responding to this month's CFO Forum expect that their companies will make the transition to the next century without any computer problems. Just as important, CFOs know that outside contacts must be ready as well, and 95.2 percent say they have worked with suppliers to that end. Nearly 73 percent of respondents are convinced that their suppliers and clients will be prepared for the year 2000; only 4.8 percent worry that suppliers or clients won't be ready.

Such is the CFO's confidence that 62.7 percent of respondents believe that fears of a millennial computer crisis are overblown. And as for those predictions of economic recession, not a single CFO responding to the survey agrees. Admits economist Yardeni, ''I seem to be the only one on this planet who thinks we'll have any chance of a recession, let alone a severe one.'' He suspects that CFOs are relying too much on their tech departments' reassurances. ''I wish there was more verification of these happy tales the CFOs are reporting.''

Time will tell.

Do you feel your company's internal computer systems are prepared to make the year–2000 transition without problems?

Yes: 88.1%
No: 6.0%
Not sure: 6.0%

Have you done a dry run of your computer systems for the year-2000 transition?

Yes: 80.2%
No: 19.8%

If yes, how did they fare?

No problems: 12.1%
Few problems: 86.4%
Major problems: 1.5%

What have you done to prepare for the year-2000 transition?

Tested all systems: 87.3%
Rewrote computer code: 81.9%
Hired consultants: 75.9%
Bought new software: 86.7%
Bought new hardware: 74.7%
Worked with suppliers to ensure preparedness: 95.2%
Alerted customers to your preparations: 81.9%
Informed the Securities and Exchange Commission of your actions: 62.7%
Solicited legal advice: 47.0%

Do you think most of your company's suppliers or clients will make the year-2000 transition without trouble?

Yes: 72.6%
No: 4.8%
Not sure: 22.6%

What parts of your financial operations are vulnerable to year-2000 problems?

Billing and payment systems: 66.0%
Accounting and financial reporting: 58.5%
Cash management: 60.4%
Foreign exchange: 22.6%
Pension management: 34.0%
Payment to bondholders or shareholders: 13.2%
Risk management: 20.8%
Corporate growth and acquisitions: 13.2%
Capital-raising plans: 5.7%

How much money has your company spent preparing for the year-2000 transition?

Less than $500,000: 11.0%
$500,000 to $999,999: 6.1%
$1 million to $2.49 million: 4.9%
$2.5 million to $4.9 million: 20.7%
$5 million to $9.9 million: 12.2%
$10 million to $14.9 million: 8.5%
$15 million to $19.9 million: 4.9%
$20 million to $29.9 million: 11.0%
$30 million to $50 million: 11.0%
More than $50 million: 9.8%

Did the cost of preparing for the year-2000 transition have a material impact on your company's business or financial performance in 1998?

Yes: 16.9%
No: 83.1%

Do you expect it to have a material impact in 1999?

Yes: 10.8%
No: 85.5%
Don't know: 3.6%

Do you expect Y2K transition problems to have a material impact on your company's business or financial performance next year?

Yes: 3.6%
No: 89.2%
Don't know: 7.2%

Do you think the fears of a year-2000 crisis are overblown?

Yes: 62.7%
No: 21.7%
Don't know: 15.7%

What effect do you think year-2000 transition problems will have on U.S. business and the U.S. economy overall?

Relatively no effect: 14.3%
A few weeks of headaches: 44.2%
A few months of headaches: 37.7%
A minor drop in GDP: 3.9%
A major drop in GDP: 0.0%
Economic recession: 0.0%

The results of CFO Forum are based on quarterly surveys of a universe of 1,600 chief financial officers. Because of rounding, responses may not total 100 percent.

Mr. HOLLINGS. I thank the Presiding Officer.

These worries notwithstanding, most U.S. companies appear to believe they have the Y2K problem licked. A resounding 88.1 percent of the chief financial officers responding to this month's CFO Forum expect that their companies will make the transition to the next century without any computer problems. Just as important, CFOs know that outside contacts must be ready as well, and 95.2 percent say they have worked with suppliers to that end. Nearly 73 percent of the respondents are convinced that their suppliers and clients will be prepared for the year 2000; only 4.8 percent worry that suppliers or clients won't be ready.

Now we are going to change 200 years of tort law for 4.8 percent that still have 180 days, and the law does not give them but 90. So they must think something can happen in 90 days. We can double that. You like 90; I give you 180. Start right now. You don't have to do that. The market will take care of it, as Business Week says it is doing.

I quote further:

Such is the CFOs' confidence that 62.7 percent of respondents believe that failures of a millennial computer crisis are overblown. And as for those predictions of economic recession, not a single CFO responding to the survey agrees.

This prediction had been made some months back, last year sometime by Yardeni, a respected economist. I remember the gentleman because I was at the hearings when he used to be with Chase Manhattan. He talked that it could even cause a recession.

Not a single CFO responding to the survey agrees with that. Admits economist Yardeni, ''I seem to be the only one on this planet who thinks we'll have any chance of a recession, let alone a severe one.''

Tell Yardeni to come to the Congress. The majority around here knows we are going to have a recession—predatory practices, racing to the courthouse. There would just be a jam to get the business.

I quote:

He suspects that CFOs are relying too much on their tech departments' reassurances. ''I wish there was more verification of these happy tales . . . .''

Time will tell.

Here is the question that is printed in the particular article:

Do you feel your company's internal computer systems are prepared to make the year-2000 transition without problems?

The answer is: 88.1 percent said yes; 6 percent said no.

Next question:

Have you done a dry run of your computer systems for the year-2000 transition?

The answer is: 80.2 percent said yes; 19.8, no.

So four-fifths have already been testing as a result of the fine work by the Senator from Utah and the Senator from Connecticut and, of course, our distinguished Senator on the Judiciary Committee, Chairman HATCH, and Senator LEAHY of Vermont.

Then you go down there:

What have you done?

They have all kinds of things down here: 86 percent bought new software. You see Dell and Intel and everybody else, they are certifying that when the purchase is made, this is Y2K compliant. Business is business. They cannot be playing around with monkey shines waiting on politicians in Washington to change the tort law. They have good sense. That is why they are successful.

Do you expect the Y2K transition problems to have a material impact on your company's business or financial performance next year?

The answer: 3.6 percent said yes; 89.2 percent said no.

Do you think the fears of a year-2000 crisis are overblown [in the business world]?

They give you a long list. You know how chambers of commerce work. They are stupid enough, by gosh, to give me a medal this year for last year when they are opposing me in the election. So don't tell me about the Chamber of Commerce. You are looking at the fellow with the Enterprise Award from the National Chamber of Commerce. But last year I got the stinkbomb. I can tell you that right now.

They send around letters and leaches and everything that I was terrible for business. So don't listen to all the letters about all of those places. None of those State chambers of commerce is complaining. I notice they got one from South Carolina. They don't know from sic'em down there about Y2K. That is one place.

You don't have to worry about what the State of North Carolina does. They will be ready come next month. They had a recent article—just yesterday morning; I should have brought that to the floor—that they are all in shape and ready to go. But for all the cases, the best I have heard, as my distinguished chairman mentioned, 80 cases—I have not been able to find that. The best authority has said that is mixed in with some other cases.

The most recent information—and brought right up to date—is the letter a month ago by Ronald Weikers who appeared before our committee, an attorney at law. Let me qualify him. The gentleman says here in this letter:

I have studied the Y2K problem carefully from the legal perspective, and have written a book entitled ''Litigating Year 2000 Cases'', which will be published by West Group in June. I frequently write and speak about the subject. I do not represent any clients that have an interest in the passage or defeat of any proposed Y2K legislation. Feel free to call me, should you have any questions.

He starts off the letter:

Thank you for speaking with me earlier. Thirteen (13) of the 44 Y2K lawsuits—

This is as of April 26—

Thirteen (13) of the 44 Y2K lawsuits that have been filed to date have been dismissed entirely or almost entirely.

There is a court system, undescribed, or improperly described, by Senators on the floor of the Senate. The court generally does not have stumblebums just sitting up there and all rushing to the courtroom: Let me give you 12 people, and here is your money, and let's go. They test the truth of all the allegations, and even agreeing with all your allegations, you still do not have a case in court.

Thirteen of them have already been dismissed.

Twelve (12) cases have been settled for moderate sums or for no money.

They are not deep-pocket cases.

The legal system is weeding out frivolous claims, and Y2K legislation is therefore unnecessary.

Thirty-five (35) cases have been filed on behalf of corporate entities, such as health care providers, retailers, manufacturers, service providers and more. Nine (9) cases have been filed on behalf of individuals. This trend will continue. Thus, the same corporations that are lobbying for Y2K legislation may be limiting their own rights to recover remediation costs or damages.

That is signed by Ronald N. Weikers. We asked yesterday, and he has updated the 44 to 50. He has added six more since that time, which we have here for the record.

So there is all the law and the Securities and Exchange Commission requiring that you notify your stockholders about any and all problems, and what are you doing about it, and the potential costs. And there is all of the debate in Congress, and the special law passed this year, and everything else like that.

Those who usually are on the side of corporate America—even the Washington Post says let's not just be jumping around passing laws. That is the most irritating thing. I cannot get anything done with the budget. Here we are spending over $200 billion more than we are taking in, and everybody is talking about: The surplus, the surplus, the surplus. It is not just the $127 billion from Social Security, it is the money from the Senators' retirement fund, the civil service retirement fund, the military retirees, the highway trust fund, the airport trust fund, the Federal Financing Bank. Medicare moneys are being used for Kosovo. Think of that, Senators.

But everybody is talking about whether we are going to have a spending cut or spending increase or tax cut because of the fat surpluses. I hope they will bring that thing up. I cannot get anything done about that. I can't get anything done about campaign finance. I was here when we passed it in 1974, 25 years ago. It was a good law. It did away with soft money, no cash, everything on top of the table, and limited spending in elections. Senator THURMOND and I could have had about 670,000 registered voters. Let's double it to 1½ million, 2 million. I just had to spend $5.5 million to come back here and make this talk.

I can tell you here and now, this thing is outrageous, because I am spending all my time racing around the country. Talk about small business. Raise in a year and a half to 2 years 5½ million with shares of stock in general at $100 a share. That is a pretty good business. Don't tell this politician about small business. I am a small businessman. We had to raise that money, but it is a disgrace.

We can't get anything done. Fortunately, I supported McCain-Feingold. Senator MCCAIN now has joined me on my constitutional amendment, one line: The Congress is hereby empowered to regulate or control spending in Federal elections. In fact, the States like it so much we added the States are able to control spending in State elections. Thereby, we immediately go back and we make constitutional the original act, or whatever they want to do. It doesn't disturb McCain-Feingold. We can still proceed with that and not hear the argument of the Senator from Kentucky about whether it is issue oriented or candidate oriented. All that is subjective. We will know, once we pass McCain-Feingold, it is constitutional; that we hadn't wasted time.

That is what I want. Just give the Congress its will to get rid of this cancer on the body politic. We can't get that done.

You can't get anything for the Patients' Bill of Rights. You can't get anything for the ultimate solution to Social Security. You can't get anything done about anything, but they come up with a nonproblem that everybody, corporate America and everybody else, says, look, we have been moving on. We have cut off our suppliers and everything else of that kind. Then you come to the floor with the overreach.

Well, last year we protected the consumers, and yesterday afternoon we said no protection for the consumers. They said they won't get a lawyer. I can guarantee you, they won't get a good lawyer. A lawyer who is really working for a living would say: Wait a minute, businessman. You come in here, you have to wait. You came in too quick. You have to wait 90 days before you really come in and get anything done.

In the meantime, they have been given notice so they are hiding all the records. They learned something from Rosemary Woods and President Nixon, I can tell you that. So the records are not around. They have cleaned up their records. So they know.

Otherwise, having waited that time, then you have to file; then you have to get in line. You are waiting another year. Who is the lawyer who is going to carry those expenses? He has other work to do.

So they are not going to be bringing any cases. You are not going to be able to get a lawyer with this bill. That is what is going to prevent you from getting a lawyer, because there is no economic damage. The economic damage, the real loss is not the $10,000 for the computer. It is the million-dollar loss of customers and goodwill and the ability to serve and the loss of advertising revenues and everything else going down.

My friend from Oregon says: Well, we give you what the contract says; this bill will give you what the contract says.

Sure, it gives what the contract says. That is an oxymoron. We know it gives you what the contract says. But the contract doesn't contract for economic loss. We are talking about misrepresentation, wrongful acts, fraudulent representation, tort—not contract. So don't give me this stuff about the contract, and we are giving you exactly what the contract says.

That is our complaint. We want what States all over the Nation, all 50 States, give you right now, and we do not want to repeal that.

When we don't repeal it, then they come in in the next 180 days, the next 6 months, and they go to work and they start getting something done, because they realize this bill has either been killed in the Congress or vetoed by the President. They have to get right with the market world or get out of the way. That is the way free enterprise works. It is a wonderful thing. We all talk about it.

By the way, don't give me this thing about the computer world created all of this productivity. Sure, it increases productivity. But what really created this economy—we are not going to stand here and listen time and time again—is the 1993 economic plan. Don't give the award to Bill Gates; give it to Bob Rubin.

We were there. We had to struggle to get the votes. We had to bring in the Vice President to get the vote. They were saying over at the White House and at the Economic Council: Let us have a stimulus; we have to have a stimulus. Rubin says: No, pay the bill.

What did we do? We paid the bill. We started paying off the bill. With what? Increased taxes. With increased taxes on what? Social Security.

I voted for it. The Senator from Texas said: You voted for increased taxes on Social Security. They will hunt you down in the streets and shoot you like dogs. That is what he said.

The other Senator, Mr. Packwood, said: I will give you my house, the chairman of the Finance Committee, if this thing works.

KASICH, who is running for President, I am trying to find JOHN. I don't know whether he is running as a Democrat or Republican, because he said: If this plan works, I will change parties and become a Democrat.

We have the record. They are trying to subterfuge this as this computerization is moving overseas and asking for what? They want all the special laws. They want capital gains. They are making too much money. So they have the onslaught: Wait, estate taxes, we ought not to die and be taxed at the same time. So we have to change the formula for estate taxes. No, excuse me, immigrants. Don't pay Americans, just bring them all in. Let's have an exemption from the immigration laws. Let's have an exemption from the State tort laws. Let's do everything. Let's upset the world for the idle rich.

Come on, 22,000 millionaires for Bill Gates. I employ, by gosh, instead, 200,000 textile workers at the mill. I would much rather have that crowd. Fine for the IQ group, but I am talking about working Americans, middle America, the backbone of our democratic society.

So what we have here is an onslaught for the computer world, for capital gains, immigration laws, estate taxes, Y2K exemptions, any and every thing. They have money. They have contributions. We would like to get their contributions. So Democrats and Republicans are falling all over each other trying to show what goody-goody boys we are. We will change the State laws. We will take the rights away from consumers and injured parties. We will destroy small businesses that bought a computer. They won't even be able to get a lawyer with all of this stringout of how to bring a case and everything else of that kind.

Saying, don't worry about it, it is only for 3 years, 3 years it will be gone—if there is a crisis on January 1, it shouldn't exist for over a year. Everybody will know within a year whether they are Y2K compliant and be able to file. But no, they want to use this for further argument, and I gainsay the way they are shoving it now, not agreeing to economic damages in the Kerry amendment, turning down the Leahy amendment for consumers rights. I am afraid what I said was a footprint for the Chamber of Commerce, but rather I think they really are on a forced drive for a veto because they can use that. Who vetoed productivity, the great industry that brought all of this productivity to America? Who vetoed it?

I can see Vice President GORE trying to get up an answer to that one. That is going to be very interesting.

Senator HATCH led the way with his bill last year, and we got together and started confronting this particular problem. As I speak—and I am ready to yield now to my distinguished colleague from North Carolina—they have not 90 days, but we are giving them twice that amount. Put everybody on notice, this thing they tell me is on C-SPAN so everybody ought to know to get Y2K compliant, try it out, test your set. If it is not, go down and, by gosh, get it fixed now. Don't run to the courthouse. Run to the computer salesman who sold you the thing, because they—Dell, Intel, Yahoo, all the rest of them—are coming in and saying that everything is Y2K compliant. We can't wait around for Congress to change all the tort laws.

I yield the floor.

Mr. MCCAIN. Mr. President, I can't help but note the Senator from South Carolina mentioned Mr. Gates has 2,000 employees for millionaires.

Mr. HOLLINGS. Twenty-two thousand. That is in Time magazine, the year-end report. It is a wonderful operation.

Mr. MCCAIN. There are 22,000 millionaires. I know our respective staffs feel like millionaires for having had the opportunity of working here in the Senate with us. I know I speak for all of our staffs.

UNANIMOUS CONSENT AGREEMENT—S. 886

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 91, S. 886, the State Department reauthorization bill, at a time determined by the two leaders, and that the bill be considered under the following limitations: that the only first-degree amendments in order be the following, and that they be subject to relevant second-degree amendments, with any debate time on amendments controlled in the usual form, provided that time for debate on any second-degree amendment would be limited to that accorded the amendment to which it is offered; that upon disposition of all amendments, the bill be read the third time, and the Senate proceed to vote on passage of the bill, as amended, if amended, with no intervening action.

I submit the list of amendments.

The list is as follows:

Abraham-Grams: U.S. entry/exit controls.
Ashcroft: 4 relevant.
Baucus: 3 relevant.
Biden: 5 relevant.
Bingaman: Science counselors—embassies.
Daschle: 2 relevant.
Dodd: 3 relevant.
Durbin: Baltics and Northeast Europe.
Feingold: 4 relevant.
Feinstein: relevant.
Helms: 2 relevant.
Kerry: 3 relevant.
Leahy: 5 relevant.
Lott: 2 relevant.
Managers' amendment.
Kennedy: relevant.
Moynihan: relevant.
Reed: 2 relevant.
Reid: relevant.
Sarbanes: 3 relevant.
Thomas: veterans
Wellstone: 3 relevant.
Wellstone: trafficking.
Wellstone: child soldiers.

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

Y2K ACT

The Senate continued with the consideration of the bill.

Mr. MCCAIN. Mr. President, I ask unanimous consent that Senator EDWARDS be recognized to offer two amendments as provided in the previous consent, and time on both amendments be limited to 1 hour total, to be equally divided in the usual form, and no amendments be in order to the Edwards amendments.

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

Mr. McCAIN. Mr. President, before yielding, we would expect votes on the two Edwards amendments probably within an hour or less. That is our desire, and we will clear that with the leaders on both sides.

Mr. President, I yield the floor.

Mr. EDWARDS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 619 TO AMENDMENT NO. 608

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. EDWARDS] proposes an amendment numbered 619.

Mr. EDWARDS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike Section 12 and insert the following:

"SEC. 12. DAMAGES IN TORT CLAIMS.

"A party to a Y2K action making a tort claim may only recover for economic losses to the extent allowed under applicable state or federal law in effect on January 1, 1999."

Mr. EDWARDS. Mr. President, the purpose of this amendment is to deal with section 12 of the McCain-Dodd-Wyden bill. Let me read it first to make it clear what the amendment deals with. I am quoting from the amendment now, and this would replace section 12 in the existing bill:

A party to a Y2K action making a tort claim may only recover for economic losses to the extent allowed under applicable State or Federal law in effect on January 1, 1999.

We have drawn this amendment in the narrowest possible fashion, and we did that for a number of reasons. Number one, there has been great concern voiced on the floor of the Senate about allowing and continuing to enforce existing contracts under contract law. This amendment has no impact on that whatsoever. The provisions in the McCain bill that provide for the enforcement of contract law remain in place.

I also say to my colleagues that if this amendment is adopted in the very narrow form in which it has been presented, all of the following things, which I think many Members of the Senate want to support, remain present in this bill.

Punitive damages will remain capped. The bill will continue to apply to everyone—consumers and businessmen and businesswomen. Joint and several liability is completely gone. In other words, proportionate liability, which has been a subject of great discussion, remains in place. The duty to mitigate remains in place. The 90-day waiting period remains in place. The limitations on class actions remain in place. The requirements of specificity and materiality in pleadings remain in place.

All of the things that have been discussed at great length and have been at the top of the list of what these folks have been trying to accomplish on behalf of the computer industry remain in place.

What this amendment is intended to do is close a loophole. It is a loophole that is enormous. Here is the reason. We will enforce, under the provisions of the McCain bill, a contract. The problem is, there are millions and millions of computer sales that occur in this country every year that are subject to no contract; there is no contract between the parties. Under the provisions of the McCain bill, as it is presently, if a consumer or a small businessperson purchases a computer, there is no written contract between the parties, which will be true in the vast majority of cases; so there is no contract to enforce, there is no agreement between the parties on the specific terms of what can be recovered and what the limitations of those recoveries are.

Let's suppose, in my example, that a blatant, fraudulent misrepresentation has been made to the purchaser. Unless we do something to amend this section, since there is no contract in place, we will put the purchaser in the position of being able to recover absolutely nothing but the cost of their computer. For example, a small family-run business in a small town in North Carolina—Murfreesboro, NC—buys a computer system. There is no written contract of any kind between the parties. What happens is, their computer system doesn't work; it is non-Y2K compliant. It turns out that the people who sold it to them knew it was non-Y2K compliant and, in fact, misrepresented when they made the sale that it was Y2K compliant. So we have, in fact, what probably is a criminal act in addition to everything else, a fraudulent misrepresentation.

Unless this amendment is adopted, if that family business has lost revenues, lost income, lost profits, while they continue to incur overhead, they are unable to recover even their out-of-pocket losses—the money they have to actually pay as a result of their computer being non-Y2K compliant—simply because there is no contract between the parties. That would be true even under the most egregious situation, i.e., where a fraud has occurred, where a misrepresentation has occurred, where a criminal act has occurred, even under those extreme circumstances.

Unless this amendment is adopted in its very narrowly drawn form, that purchaser, small businessperson or consumer, is limited to the recovery of the cost of their computer, even though their family-owned business, which has been in business forever, has been put out of business, even though they have lost thousands of dollars in revenue, even though they have had to pay out of their pocket for losses that have occurred as a result of a fraud committed against them. Even if the defendant can be put in jail for their conduct, this small businessperson is out of business, and what they can recover against this defendant is the cost of their computer.

There is a huge, huge loophole that exists in this bill as presently drafted, and that loophole is for all those cases across America where there is no contract. That is going to be true in the vast majority of cases. Most people don't have contracts. They go to the computer store and they buy a computer. Some computer salesman comes to their business or home and sells them a computer. So what we are left with is what happens to those folks—the folks who don't have a contract, which is going to be the vast majority of Americans, businessmen, businesswomen, consumers who have purchased computers. They are not going to have a contract.

I will tell you who will have a contract. The folks who will have contracts—therefore, their remedies will be clearly defined in the contract—will be big businesses. That will be true of the computer companies who sell their products because they can afford to hire a big team of lawyers to represent them and draft contracts for them. That will be true of big corporate purchasers of computer systems who need them in the operation of their business, such as Kaiser-Permanente and other big companies that use computers. The lawyers get together and draft the contracts and everybody knows from the beginning what the responsibilities of both the seller and the buyer are.

The problem we have is that it is not going to be the big guys who are going to be protected. It is the little guy who has absolutely no protection. The only conceivable remedy they have is in tort.

What we did in this very narrowly drafted provision is say they can recover economic losses only to the extent allowed already under State law or Federal law, which means that to the extent in Arizona there may be a limitation, or in Utah, or in Oregon, a limitation on what folks can recover and what they have to prove. There are some States that only allow pure out-of-pocket losses to be recovered—not lost profits. There are many States that have limitations on these things.

We create absolutely no cause of action, no tort claim. We create nothing that does not already exist. But we close the loophole. The loophole we close is for those millions and millions of Americans who will not have a contract. It is just that simple. All the other protections in this bill remain in place.

I want to say to my colleagues who have voted already against Senator KERRY's amendment, who intend to vote on final passage for the McCain bill, that you can vote for this amendment very narrowly drawn which closes the loophole that exists and still vote for the bill on final passage. I will not be doing that myself, because I think there are other problems in the bill. But this amendment does not create any problem with that.

I just want to point out a couple of things which were said yesterday during the debate by my friend, Senator WYDEN from Oregon.

He said:

> I just think it would be a mistake given the extraordinary potential for economic calamity in the next century to change the law with respect to economic loss. We are neither broadening it nor narrowing it. We are keeping it in place.

That is a verbatim quote.

This amendment couldn't be any clearer. All it does is keep existing State law in place for those people who do not have a contract. It is that simple. If they have a contract, the contract is going to control because the section immediately preceding section 11 specifically requires that the courts enforce the existing contract. But for all those folks out there who do not have a contract and who may have been lied to, or who may have had misrepresentations made to them and are maybe subject to criminal conduct, they have no remedy whatsoever under this bill. That is the reason we have drawn it so narrowly.

Again, Senator WYDEN pointed out yesterday that he believes they should recover exactly what they are entitled to today, that the law is exactly what they are entitled to recover today, and there are numerous quotes throughout the day where Senator WYDEN spoke to this issue.

What I say to my friend Senator WYDEN is what I really believe we are doing here. I know he expressed concern yesterday about creating causes of action, creating force in Senator KERRY's bill, and I understood those concerns. What we have done is draft this in a way that can't possibly create anything. What it says is they may only recover for economic losses to the extent allowed already under existing State or Federal law.

When you put that combination in with the provision immediately preceding it that requires contracts to be enforced, then I think what we have done is closed a loophole, closed it in the narrowest possible fashion. Leave all the restrictions that already exist on economic recovery in this country in place, deal with those millions of Americans who could have been the subject of fraud, abuse, and misrepresentation and allow them to recover, because otherwise they have no possible way of recovering. They have no contract. But to the extent folks have a contract, we are going to enforce that contract. We are going to require that the courts enforce that contract.

I think this really dovetails perfectly with what I believe to be the intent of the McCain-Wyden bill.

The bottom line on this amendment is this: It is narrowly drawn. Those folks who intend to vote on final passage for the McCain bill can vote for this amendment perfectly consistent with their desire to do everything they can to protect the computer industry. But for that class of people who have no contract, who have no cause of action whatsoever, this creates nothing. It simply allows under existing law for them to pursue whatever claim they have—only those people who have absolutely no contract. If they have a contract, the contract is going to be enforced, and it ought to be enforced. I have no problem with that whatsoever.

I urge my colleagues to support this amendment. It is narrowly drawn. I think it is consistent entirely with the purposes of the McCain bill. It leaves all the protections in place that the folks who support the McCain bill believe in. It closes an enormous loophole that exists in this law at the present time.

I reserve the remainder of my time.

Mr. HATCH. Mr. President, I appreciate the remarks of my colleague, and I appreciate what he is trying to do. This bill is trying to resolve what really are unlimited litigation possibilities. If we don't pass this bill, that could really wreck our computer industry and wreck our country and would make it even more difficult to get the computer industry and everybody involved in Y2K problems to really resolve these problems in advance of the year 2000.

I rise to oppose the Edwards amendment, which basically strikes the economic loss section of S. 96, the Y2K bill.

I have followed carefully the debate of the bill. And, as of now, it is the Dodd-McCain-Hatch-Feinstein-Wyden substitute, S.1138, that we are now debating.

My observation is that during this debate there has been much confusion over the economic loss section.

Let me attempt to clarify this matter.

It is important to note that the economic loss rule is a legal principle that has been adopted by the U.S. Supreme Court and by most States.

The rule basically prevents ''tortification'' of contract law, the trend that I view with some alarm.

The rule basically mandates that when parties have entered into contracts and the contract is silent as to ''consequential damages,'' which is the contract term for economic losses, the aggrieved party may not turn around and sue in tort for economic losses. Thus, the expectation of the parties are protected from undue manipulation by trial attorneys. The party under the rule may sue under tort law only when they have suffered personal injury or damage to property other than the property in dispute.

The economic loss rule exists primarily or principally because of the importance of enforcing contractual agreements. If the parties can circumvent a contract by suing in tort for their economic losses, any contract that allocates the risk between the parties becomes worthless.

The absence of the economic loss rule would hurt contractual relations and create an economic and unnecessary economic cost to society as a whole. It would encourage suppliers to raise prices to cover all of the risks of liability and would encourage buyers to forego assurances as to the quality of the product or service. If anything goes wrong, simply sue the supplier under tort law.

The economic loss rule also reflects the belief that the parties should not be held liable for the virtually unlimited yet foreseeable economic consequences of their actions, such as the economic losses of all the people stuck in traffic in a car accident.

In light of this, most States apply the rule without regard to privity, and the vast majority of States that have considered the rule have applied it not only to products but to the services as well with some exceptions for ''professional services,'' such as lawyers and ''special relationships''.

Why then should Congress codify the economic loss rule with regard to Y2K actions or litigation?

First, adopting the economic loss rule helps identify which parties have the primary responsibility of ensuring Y2K compliance. It is one of the major goals of the Y2K legislation to encourage companies to do all they can to avoid and repair Y2K problems, and adoption of the economic loss rule helps us to do exactly that.

Second, adoption of the economic loss rule preserves the parties' ability to enter into meaningful contractual agreements and preserves existing contracts. Parties who suffer personal injury or property damage, other than to the property at issue, could still sue in tort, or in contract, while those suffering only economic damages would be able to sue in contract.

Third, adoption of the rule would strengthen existing legal standards. We have the rule in this bill, and there is very good reason to have it in this bill.

By strengthening existing legal standards, we would avoid costly and potentially abusive litigation as a result of the Y2K failures.

That is what we are trying to avoid.

This bill only lasts 3 years. It then sunsets. The bill's purpose is to get through this particularly critical time

without having the Federal courts and the State courts overwhelmed by litigation, yet at the same time providing people with a means of overcoming some of these problems. That is the whole purpose of this bill.

If this amendment is adopted, that whole purpose will be subverted. It is not a loophole at all, as Senator EDWARDS contended. If we change this rule and adopt this amendment, we surely will have courts clogged, we surely will have undue and unnecessary litigation, and in the end we surely are not accomplishing what we need to accomplish—encouraging the companies to do what is right and to get the problems solved now. That is what we want to do. This bill will do more toward getting that done than anything I can think of.

Lastly, adoption of the economic loss rule would establish a uniform national rule applicable to Y2K actions. This would help to avoid the patchwork of State legal standards that would otherwise apply to Y2K problems and actions. The subtle and complex idiosyncrasies and the rule's applications by the various States strongly indicate the need for a uniform national rule with regard to Y2K actions.

Without a uniform rule, which we have in this amendment, every issue concerning Y2K liability may have to be litigated in each different State. This increases the already enormous costs of Y2K litigation.

As I stated, the Supreme Court has adopted and endorsed the economic loss rule, which has greatly influenced State law. The leading case is East River S.S. Corp. v. Transamerica Delaval, Inc. In that case, the company that chartered several steamships sued the manufacturer of the ship's turbine engines in tort for purely economic damages, including repair costs and lost profits caused by the failure of the turbines to perform properly. In a unanimous decision, the Supreme Court denied recovery in tort under the economic loss rule. The Court's ruling was based in large part on the propriety of contract law over tort law in cases involving only economic loss.

The Court goes on to say:

> The distinction that the law has drawn between tort recovery for physical injuries and warranty recovery for economic loss is not arbitrary and does not rest on the ''luck'' of one plaintiff in having an accident causing physical injury. The distinction rests, rather, on an understanding of the nature of the responsibility a manufacturer must undertake in distributing his products. When a product injures only itself the reasons for imposing a tort duty are weak and those for leaving the party to its contractual remedies are strong . . . Contract law, and the law of warranty in particular, is well suited to commercial controversies of the sort involved in this case because the parties may set the terms of their own agreements. The manufacturer can restrict its liability, within limits, by disclaiming warranties or limiting remedies. In exchange, the purchaser pays less for the product . . .

The Court's ruling was also based on the fact that allowing recovery in tort would extend the turbine manufacturer's liability indefinitely:

> Permitting recovery for all foreseeable claims for purely economic loss could make a manufacturer liable for vast sums. It would be difficult for a manufacturer to take into account the expectations of persons downstream who may encounter its product. In this case, for example, if the charterers—already one step removed from the transaction [which included the shipbuilder in between]—were permitted to recover their economic losses, then the companies that subchartered the ships might claim their economic losses from delays, and the charterers' customers also might claim their economic losses, and so on. ''The law does not spread its protections so far.''

Let me turn to state law cases. The leading case on this issue is *Huron Tool and Engineering Co.* v. *Precision Consulting Services, Inc.*, 532 N.W.2d 541 (Mich. Ct. App. 1995). In *Huron*, the Michigan Court of Appeals held that the Economic Loss Rule barred plaintiff's fraud claim against a computer consulting company to recover purely economic loss caused by alleged defects in a system provided under contract. The court explained:

> The fraudulent representations alleged by plaintiff concern the quality and characteristics of the software system sold by defendants. These representations are *indistinguishable from the terms of the contract and warranty* that plaintiff alleges were breached. Plaintiff fails to allege any wrongdoing by defendants *independent of defendant's breach of contract and warranty*. Because plaintiff's allegations of fraud are *not extraneous* to the contractual dispute, plaintiff is restricted to its contractual remedies under the UCC. The circuit court's dismissal of plaintiff's fraud claim was proper.

Hotels of Key Largo, Inc. v. *RHI Hotels, Inc.*, 694 So.2d 74, 77 (Fla. Ct. App. 1997), holding that the Economic Loss Rule barred plaintiff's fraud claim seeking to recover economic loss caused by the defendant's failure to promote the plaintiff's hotel per contractual agreement, says: ''[W]here the only alleged misrepresentation concerns the heart of the parties' agreement simply applying the label 'fraudulent inducement' to a cause of action will not suffice to subvert the sound policy rationales underlying the economic loss doctrine.''.

Raytheon Co. V. *McGraw-Edison Co., Inc.*, 979 F Supp. 858, 870–73 (E.D. Wisc. 1997), holding that the Economic Loss Rule barred tort claims, including strict-responsibility, negligent, and intentional misrepresentation claims, brought by purchaser of real property against seller to recover purely economic loss caused by environmental contaminants in the soil says: ''[T]he alleged misrepresentations forming the basis of Raytheon's fraud claims are inseparably embodied within the terms of the underlying contract . . . [Therefore,] Raytheon cannot pursue its fraud claims.''

AKA Distributing Co. V. *Whirlpool Corp.*, 137 F.3d 1083, 1087 (8th Cir. 1998), holding under Minnesota law that the Economic Loss Rule barred plaintiff's fraud claim based on defendant's statements that the plaintiff would be engaged as a vacuum-cleaner distributor for a long time despite one-year contract says: ''[I]n a suit between merchants, a fraud claim to recover economic losses must be independent of the article 2 contract or it is precluded by the economic loss doctrine.''

Standard Platforms, Ltd v. *Document Imaging Systems Corp.*, 1995 WL 691868 (N.D. Cal. 1995, an unpublished opinion holding that the Economic Loss Rule barred plaintiff's fraud claim based on defects in Jukebox disk drives manufactured by defendant says: ''In commercial settings, the same rationale that prohibits negligence claims for the recovery of economic damages also bars fraud claims that are subsumed within contractual obligations. . . . [Plaintiff's] fraud claim is precluded because it does not arise from any independent duty imposed by principles of tort law.''

This rule regarding intentional torts is not new but is in fact a restatement of old principles separating contract law from tort law. In general, breach of contract, intentional or otherwise, does not give rise to a tort claim; it is simply breach of contract. Thus many courts in addition to those above have held, without mentioning the Economic Loss Rule, that claims such as fraud emerging only from contractual duties are not actionable. *See, e.g., Bridgestone/Firestone, Inc.* V. *Recovery Credit Services, Inc.*, 98 F.3d 13 (2d Cir. 1996), holding under New York law that plaintiff's fraud claim against a collection agency to recover funds collected by the defendant under contract with the plaintiff was not actionable where the fraud claim merely restated the plaintiff's claim for breach of contract: ''[T]hese facts amount to little more than intentionally-false statements by [the defendant] indicating his intent to perform under the contract. That is not sufficient to support a claim of fraud under New York law.''

In sum, the application of the Economic Loss Rule to intentional torts, such as fraud, is best summarized by the U.S. Court of Appeals for the Eighth Circuit in *AKA Distributing Co.*, listed above:

> A fraud claim independent of the contract is actionable, but it must be based upon a misrepresentation that was outside of or collateral to the contract, such as many claims of fraudulent inducement. That distinction has been drawn by courts applying traditional contract and tort remedy principles. It has been borrowed (not always with attribution) by courts applying the economic loss doctrine to claims of fraud between parties to commercial transactions.—*AKA Distributing Co.*, 137 F.3d at 1086 (internal citations omitted).

In sum, the economic Loss provision in the Y2K act is not a radical provision or change in law. That is why I oppose its removal from the bill, which in

essence the Edwards amendment would accomplish.

This is not a simple problem. This is something that we have given a lot of thought to. For those who believe we should have unlimited litigation in this country because of alleged harms, this is not going to satisfy them. For those who really want to solve the Y2K problem and to save this country trillions of dollars, the amendment of the distinguished Senator from North Carolina will not suffice.

The amendment of the Senator from North Carolina, attempts to freeze the State law of economic losses—freeze it in place. However, the States are not uniform in this area.

One of the things we want to accomplish with this Y2K bill —which is only valid for 3 years, enough to get us through this crisis—is to have uniformity of the law so everybody knows what the law is and everybody can live within the law and there will be incentives for people to solve the problems in advance, which is what this bill is all about.

The purpose of the Y2K Act is to ensure national uniformity. A national problem needs a national solution. That is why we need the national economic loss doctrine or rule, based on the trends in State law towards them. We do need uniformity if we are going to solve this problem, or these myriad of problems, in ways that literally benefit everybody in our society and not just the few who might want to take advantage of these particular difficulties that will undoubtedly exist. We all know they will exist.

The remediation section of this bill gives a 3-month time limit to resolve some of these problems. We hope we can. On the other hand, we don't want to tie up all of our courts with unnecessary litigation.

I have to emphasize again that this bill has a 3-year limit. This provision ends in 3 years. That is not a big deal. It is a big deal in the sense of trying to do what is right with regard to the potential of unnecessary litigation that this particular Y2K problem really offers.

Let me just mention, I know the distinguished Senator from North Carolina is aware that his own State has adopted the economic loss rule. Let me raise one particular case in North Carolina, the MRNC case.

Let me offer a few comments on this case.

Specifically, with respect to what losses are recoverable in the products liability suit, North Carolina's court recognized that the state follows the majority rule and does not allow the recovery of purely economic losses in an action for negligence.

It cites a number of cases which I ask with unanimous consent be printed in the RECORD.

At issue in this case is whether MRNC suffered economic loss. Central to the resolution of this issue is what constitutes economic loss. The court noted that when a product fails to perform as intended, economic loss results. Economic loss is essentially ''the loss of the benefit of the users bargain.'' ''[T]he distinguishing central future of economic loss is . . . its relation to what the product was supposed accomplish.'' So economic loss should be available for only contract claims. Tort law should not be allowed to skirt contract law. In other words, contract law should not be ''tortified.'' This is what the Y2K Act codifies. Economic loss should not be allowed in cases where a contract exists. This is the law of North Carolina and most states.

I ask unanimous consent these matters be printed in the RECORD at this particular point.

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

AT&T CORPORATION, PLAINTIFF,

V.

MEDICAL REVIEW OF NORTH CAROLINA, INC., DEFENDANT AND THIRD-PARTY PLAINTIFF,

V.

CAROLINA TELEPHONE & TELEGRAPH COMPANY AND NORTHERN TELECOM INC., THIRD-PARTY DEFENDANTS.

No. 5:94–CV–399–BR1.

United States District Court, E.D. North Carolina, Feb. 10, 1995.

Long-distance telephone company brought action against customer, seeking payment for past-due charges for long-distance telephone services. Customer counterclaimed, and brought third-party complaint against telephone company, that installed telephone system which included voice mail system, and system manufacturer, alleging manufacturer was negligent and breached implied warranty, arising from alleged telephone line access by unauthorized users via system, resulting in long-distance telephone charges. Manufacturer moved to dismiss. The District Court, Britt, J., held that: (1) under North Carolina law, customer's negligence claim against manufacturer sought to recover purely economic loss, which was not recoverable under tort law in products liability action, and (2) customer's breach of warranty claim against manufacturer was not ''product liability action'' under Products Liability Act so as to render applicable Act's relaxation of privity requirement.

Motion granted.

[1] FEDERAL CIVIL PROCEDURE 1722

170Ak1722—For purposes of motion to dismiss for failure to state claim, issue is not whether plaintiff will ultimately prevail, but whether claimant is entitled to offer evidence to support claim. Fed.Rules Civ.Proc.Rule 12(b)(6), 28 U.S.A.

[2] FEDERAL CIVIL PROCEDURE 1829

170Ak1829—For purposes of motion to dismiss for failure to state claim, complaint's allegations are construed in favor of pleader. Fed.Rules Civ.Proc.Rule 12(b)(6), 28 U.S.C.A.

[3] PRODUCTS LIABILITY 6

313Ak6—When action does not fall within scope of North Carolina's Products Liability Act, common-law principles, such as negligence, and Uniform Commercial Code still apply, but they apply without any alteration by Act, which might otherwise occur had Act applied. U.C.C. §1–101 et seq.; N.C.G.S. §99B–1(3).

[4] PRODUCTS LIABILITY 17.1

313Ak17.1—Under North Carolina law, long-distance telephone company customer's negligence claim against manufacturer of voice mail system, alleging customer suffered harm in charges for unauthorized long-distance telephone calls as result of manufacturer's failure to change standard preset dialing access code and to provide instructions and warnings concerning alteration of access code, sought to recover purely economic loss, which was not recoverable under tort law in products liability action, where allegations centered on product's failure to perform as intended, and no physical injury had occurred.

[5] PRODUCTS LIABILITY 6

313Ak6—Under North Carolina law, elements of products liability claim for negligence are evidence of standard of care owed by reasonably prudent person in similar circumstances, breach of that standard of care, injury caused directly by or proximately by breach, and loss because of injury.

[6] PRODUCTS LIABILITY 17.1

313Ak17.1—Under North Carolina law, with respect to losses that are recoverable in products liability suit, recovery of purely economic losses are not recoverable in action for negligence.

[7] SALES 425

343k425—Under North Carolina law, long-distance telephone company customer's breach of warranty claim against manufacturer of voice mail system, with which customer was not in privity, arising from charges imposed on customer for unauthorized long distance telephone calls allegedly resulting from manufacturer's failure to inform customer of system's susceptibility to toll fraud if certain precautionary measures were not taken, was not ''product liability action'' under Products Liability Act so as to render applicable Act's relaxation of privity requirement, where customer had only alleged economic loss. N.C.G.S. §99B–2(b).

See publication Words and Phrases for other judicial constructions and definitions.

[8] PRODUCTS LIABILITY 17.1

313Ak17.1—North Carolina's Products Liability Act is inapplicable to claims in which alleged defects of product manufactured by defendant caused neither personal injury nor damage to property other than to manufactured product itself. N.C.G.S. §99B–2(b).

[9] SALES 255

343k255—When claim does not fall within North Carolina's Products Liability Act, privity is still required to assert claim for breach of implied warranty when only economic loss is involved. N.C.G.S. §99B–2(b).

*92 Marcus William Trathen, Brooks, Pierce, McLendon, Humphrey & Leonard, Raleigh, NC, for AT & T Corp.

Craig A. Reutlinger, Paul B. Taylor, Van Hoy, Reutlinger & Taylor, Charlotte, NC, for Medical Review of North Carolina, Inc.

James M. Kimzey, McMillan, Kimzey & Smith, Raleigh, NC, for Carolina Tel. and Tel. Co.

ORDER

BRITT, District Judge.

Before the court are the following motions of third-party defendant Northern Telecom Inc. (''NTI''): (1) motion to dismiss, and (2) motion to stay discovery proceedings. Defendant and third-party plaintiff Medical Review of North Carolina, Inc. (''MRNC'') filed a response to the motion to dismiss and NTI replied. As the issues have been fully briefed, the matter is now ripe for disposition.

I. FACTS

In 1990, MRNC purchased a new phone system from third-party defendant Carolina

Telephone & Telegraph Company (''Carolina Telephone''). Included within this system, among other things, was a Meridian Voice Mail System, manufactured by NTI. Carolina Telephone installed the phone system and entered into an agreement with MRNC to provide maintenance for the system.

Plaintiff AT & T Corporation (''AT & T'') provided certain long distance services to *93 MRNC. AT & T has calculated charges that MRNC allegedly owes for June 1992 in the amount of $93,945.59. MRNC claims that unauthorized users gained access to outside lines via the Meridian Voice Mail System and placed long distance calls. MRNC contends these unauthorized charges comprise part of the June 1992 bill.

AT & T filed a complaint against MRNC to recover these charges which were past-due. Subsequently, MRNC filed a counterclaim against AT & T and a third-party complaint. As part of its third-party complaint, MRNC alleges NTI, as the manufacturer of the Meridian Voice Mail System, was negligent and breached an implied warranty. MRNC seeks to recover of NTI charges, interest, costs and expenses it may incur as a result of the action brought by AT & T.

II. DISCUSSION

[1][2] Pursuant to Fed.R.Civ.P. 12(b)(6), NTI has filed a motion to dismiss for failure to state a claim upon which relief can be granted. With such a motion, ''the issue is not whether a plaintiff will ultimately prevail but whether the claimant is entitled to offer evidence to support the claim.'' Revene v. Charles County Comm'rs, 882 F.2d 870, 872 (4th Cir.1989) citing Scheuer v. Rhodes (416 U.S. 232, 236, 94 S.Ct. 1683, 1686, 40 L.Ed.2d 90 (1974)). The complaint's allegations are construed in favor of the pleader. Id.

[3] MRNC contends North Carolina's Products Liability Act pertains to its claims. This act applies to ''any action brought for or on account of personal injury, death or property damaged caused by or resulting from the manufacture . . . of any product.'' N.C.Gen.Stat. §99B–1(3). Among other things, the Act defines against whom a claimant may bring an action. See id. §99B–2. ''The Act, however, does not extensively redefine substantive law.'' Charles F. Blanchard & Doug B. Abrams, North Carolina's New Products Liability Act: A Critical Analysis, 16 Wake Forest L. Rev. 171, 173 (1980). When an action does not fall within the scope of the Act, common law principles, such as negligence, and the Uniform Commercial Code still apply; but, they apply without any alteration by the Act, which might otherwise occur had the Act applied. See Gregory v. Atrium Door and Window Co., 106 N.C.App. 142, 415 S.E.2d 574 (1992); Cato Equip. Co. v. Matthews, 91 N.C.App. 546, 372 S.E.2d 872 (1988).

A. Negligence Claim

[4][5][6] In its first claim against NTI, MRNC alleges NTI negligently failed ''to change the standard preset dialing access code in the [system] prior to delivery and installation at MRNC'' and negligently failed to give appropriate instructions and warnings concerning alteration of the standard preset dialing access code. The elements of a products liability claim for negligence are ''(1) evidence of a standard of care owed by the reasonably prudent person in similar circumstances; (2) breach of that standard of care; (3) injury caused directly or proximately by the breach; and (4) loss because of the injury.'' Travelers Ins. Co. v. Chrysler Corp., 845 F.Supp. 1122, 1125–26 (M.D.N.C. 1994) (quoting McCollum v. Grove Mfg. Co., 58 N.C.App. 283, 286, 293 S.E.2d 632, 635 (1983)). Specifically, with respect to what losses are recoverable in a products liability suit, North Carolina follows the majority rule and does not allow the recovery of purely economic losses in an action for negligence. Chicopee, Inc. v. Sims Metal Works, Inc., 98 N.C.App. 423, 432, 391 S.E.2d 211, 217, review denied and granted, 327 N.C. 426, 395, S.E.2d 674, and reconsideration denied, 327 N.C. 632, 397 S.E.2d 76 (1990), and appeal withdrawn, 328 N.C. 329, 402 S.E.2d 826 (1991). At issue in this case is whether MRNC suffered economic loss. Central to the resolution of this issue is what constitutes economic loss.

Before determining the nature of economic loss, examining the reasoning behind the majority rule disallowing recovery for such loss is instructive. The rule's rationale rests on risk allocation. See 2000 Watermark Ass'n v. Celotex Corp., 784 F.2d 1183, 1185 (4th Cir.1986) (analyzing whether South Carolina courts would adopt the majority position).

Contract law permits the parties to negotiate the allocation of risk. Even where the law acts to assign the risk through implied warranties, it can easily be shifted *94 by the use of disclaimers. No such freedom is available under tort law. Once assigned, the risk cannot be easily disclaimed. This lack of freedom seems harsh in the context of a commercial transaction, and thus the majority of courts have required that there be injury to a person or property before imposing tort liability.

The distinction that the law makes between recovery in tort for physical injuries and recovery in warranty for economic loss is hardly arbitrary. It rests upon an understanding of the nature of the responsibility a manufacturer must undertake when he distributes his products. He can reasonably be held liable for physical injuries caused by defects by requiring his products to match a standard of safety defined in terms of conditions that create unreasonable risks of harm or arise from a lack of due care.

Id. at 1185–86. The manufacturer can insure against tort risks and spread the cost of such insurance among consumers in its costs of goods. Id. at 1186.

Some courts examining the nature of the claimant's loss focus on whether the damages result from a failure of the product to perform as intended or whether they result from some peripheral hazard. See, e.g., Fireman's Fund Am. Ins. Cos. v. Burns Elec. Sec. Servs. Inc., 93 Ill.App.3d 298, 48 Ill.Dec. 729, 417 N.E.2d 131 (1980); Arell's Fine Jewelers v. Honeywell, Inc., 170 A.D.2d 1013, 566 N.Y.S.2d 505 (1991). When some hazard occurs which the parties could not reasonably be expected to have contemplated, the result is noneconomic loss. Fireman's Fund Am. Ins. Cos., 48 Ill.Dec. at 731, 417 N.E.2d at 133. Yet, when a product fails to perform as intended, economic loss results. Id. Economic loss is essentially ''the loss of the benefit of the user's bargain.'' Id. ''[T]he distinguishing central feature of economic loss is . . . its relation to what the product was supposed to accomplish.'' Id.

The Fourth Circuit apparently views physical harm as a distinguishing factor between noneconomic and economic losses. See 2000 Watermark Ass'n, Inc., 784 F.2d at 1186. ''The UCC is generally regarded as the exclusive source for ascertaining when the seller is subject to liability for damages if the claim is based on intangible economic loss and not attributable to physical injury to person or to a tangible thing other than the defective product itself.'' Id. (citing W. Page Keeton et al., Prosser and Keeton on Torts §95A, at 680 (5th ed. 1984))

The application of either approach—the benefit of the bargain approach or the physical harm approach—which North Carolina might adopt would lead to the conclusion that MRNC has suffered pure economic loss. MRNC alleges it suffered harm as a result of NTI's failure to change the standard preset dialing access code before delivery and installation at MRNC and as a result of NTI's failure to provide instructions and warnings concerning the alteration of the access code. The harm is in the form of monetary loss, if MRNC is required to pay AT & T. Clearly, MRNC's allegations center on the product's failure to meet MRNC's expectations, or in other words, failure to perform as intended. That someone might gain access to the system and place unauthorized calls could reasonably be expected to be within the parties' minds. In addition, no physical injury has occurred. The only injury MRNC asserts is damage to its financial resources. Based on the foregoing reasons, MRNC seeks to recover purely economic loss and such loss in not recoverable under tort law in a products liability action in North Carolina. North Carolina's Products Liability Act does not change this result, and the applicability of the Act is not at issue as to the claim. Therefore, NTI's motion to dismiss the negligence claim is GRANTED.

B. Breach of Implied Warranty Claim

[7] MRNC contends NTI breached an implied warranty by failing to inform MRNC of the system's susceptibility to toll fraud if certain precautionary measures, such as changing the access code, were not taken. North Carolina's Product Liability Act relaxes the privity requirement with respect to a claim for breach of implied warranty. See Sharrard, McGee & Co. v. Suz's Software, Inc., 100 N.C.App. 428, 432, 396 S.E.2d 815, 817–18 (1990).

*95 A claimant who is a buyer, as defined in the Uniform Commercial Code, of the product involved . . . may bring a product liability action directly against the manufacturer of the product involved for breach of implied warranty; and the lack of privity shall not be grounds for dismissal of such action.

N.C.Gen. Stat. §99B–2(b). This section applies to a ''product liability action'' as that term is defined in the Product Liability Act, Chapter 99B. See id. As noted previously, a ''product liability action'' is ''any action brought for or on account of personal injury, death or property damage caused by or resulting from the manufacture . . . of any product.'' Id. §99B–1(3). In the instant case, the issue is whether MRNC's breach of implied warranty claim is a ''product liability action'' under the Act, thereby abrogating the necessity of privity between MRNC and NTI.

[8][9] The Act is inapplicable to claims ''where the alleged defects of the product manufactured by the defendant caused neither personal injury nor damage to property other than to the manufactured product itself.'' Reece v. Homette Corp., 110 N.C. App. 462, 465, 429 S.E.2d 768, 769 (1993); see Cato Equip. Co., 91 N.C. App. at 549, 372 S.E.2d at 874. When the claim does not fall within the Act, privity is still required to assert a claim for breach of an implied warranty where only economic loss is involved. Gregory, 106 N.C. App. at 144, 415 S.E.2d at 575 (quoting Sharrard, McGee & Co., 100 N.C. App. at 432, 396 S.E.2d at 817–18 and questioning whether this rule is still good policy); see Arell's Fine Jewelers, Inc., 566 N.Y.S.2d at 507.

Here, MRNC does not deny that privity does not exist between itself and NTI. MRNC

claims it is entitled to maintain an action under the Products Liability Act and, thus, would fall within the exception to the privity requirements in the context of breach of implied warranty. However, MRNC does not allege the defects in the Meridian Voice Mail System resulted in any physical injury or property damage. It has only alleged economic loss. See supra part II.A. In such a situation, the general rule regarding privity remains intact. Without privity, MRNC cannot maintain its breach of implied warranty claim. Therefore, NTI's motion to dismiss the breach of implied warranty claim in GRANTED.

III. CONCLUSION

For the foregoing reasons, third-party defendant NTI's motion to dismiss is GRANTED as to both claims, and as to this party the action is DISMISSED. This ruling moots NTI's motion to stay discovery proceedings and, thus, such motion is DENIED.

Mr. HATCH. Mr. President, I understand what the distinguished Senator from North Carolina is attempting to do. He is a very skilled lawyer, and a very good lawyer, and from my understanding primarily a plaintiffs' lawyer in the past. I have been both a defense and plaintiffs lawyer, and I presume maybe he has also, and I have a lot of respect for him and I understand what he is trying to do.

The fact of the matter is, we have a 3-year bill here, that sunsets in 3 years, that is trying to solve all kinds of economic problems in our country that could cripple our country and cause a major, calamitous drop in everything if we do not have this bill, plus it could destroy our complete software and computer industry in a short period of time if we get everything tied up in litigation in this country because we are unwilling to pass this bill with this amendment on, that we have worked so hard, with Senator DODD, to bring about.

If we do not pass this bill with this amendment, as amended by this amendment, the Dodd-McCain-Hatch-Feinstein-Wyden amendment—and Sessions amendment—I apologize for leaving out Senator SESSIONS' name. He has worked hard on this bill. But if we don't pass this bill with this language in it, then I predict we will have undermined the very purposes we are here to try to enforce.

This bill is an important bill. This bill assures every aggrieved party his day in court. It does not end the ability to seek compensation. What it does, however, is to create procedural incentives that for a short time delay litigation in order to give companies the ability to fix the problem without having to wait for a judgment from some court—which could take years. But in this particular case, I want to remind all that the bill sunsets in 3 years. It is limited in a way that prevents what would be catastrophic losses in this country, unnecessary losses if this bill is enacted. That is why we should quit playing around with this bill and get it passed.

I don't care that the President of the United States says, he is not going to veto this bill. He would be nuts to veto it. This is a bipartisan bill. This amendment is a bipartisan amendment, and it has been worked out over a very long period of time and through a lot of contentious negotiations. We finally arrived at something here that can really solve these problems.

Sincerely motivated as is the distinguished Senator from North Carolina, I hope our colleagues will vote this amendment down, because it will really undermine, at least in my opinion and I think in the opinion of many others, what we are trying to do here. What we are trying to do here is in the best interests of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. If I can respond briefly to the comments of the distinguished Senator from Utah, first I say to Senator HATCH I am absolutely willing, and the people of North Carolina are willing, to live with the law in North Carolina. What my amendment does is leave all existing law in place in this very narrow area.

The problem is that, for example, I know under North Carolina law, if a fraudulent misrepresentation—if a crime—is committed, if somebody makes a fraudulent misrepresentation and as a result somebody is put out of business, they are entitled to recover their economic losses, because there is an exception for intentional fraud, there is an exception for a criminal act.

The McCain bill has no such exception. It has no exceptions at all.

Mr. HATCH. Will the Senator yield on that point?

Mr. EDWARDS. Yes, I will.

Mr. HATCH. The McCain bill doesn't affect that. If fraud is committed consumers in most states will be able to recover even economic losses under state statutes. This is not altered by the Y2K Act. So, if there is fraud committed or a criminal act committed, you are going to be able to have all your rights, even in States like North Carolina, where they codify the economic loss rule. So that is not affected by this bill at all.

The only thing that will be affected by this bill, if your amendment is adopted there will be an increase of wide open and aggressive litigation. Without your amendment, we will not have a uniformity of rule that will help us to get to the bottom of this matter. So with regard to the count on fraud, with regard to real fraud, or statutory fraud, with regard to criminal acts, the defendants will still be liable for what the distinguished Senator believes they should be liable for.

Mr. EDWARDS. I say to Senator HATCH I respectfully disagree with that. If you look at the section, it has no exceptions of that nature in it at all. It has no exception. There is a powerful limitation on the recovery of economic loss, essentially eliminating the right to recover for economic loss. And there is no exception in that section for intentional, there is no exception for fraud and misrepresentation, there is no exception for egregious, reckless conduct. None of those things is excepted from the limitation on economic loss.

I might add, to the extent we are looking for uniformity when we are going to enforce contracts—there has been a great deal of discussion about contract law—we are going to enforce contracts under State law. So whatever the State law is, in the various States across the country, is going to be enforced under State law.

So what I respectfully disagree with the Senator about is what I believe my amendment does, which is, in a very narrow fashion, it works in concert with the section immediately preceding it, and the section immediately preceding it requires every court in this land to enforce any existing contract. So if there is a contract, that contract will be enforced. It cannot be subverted by any kind of tort claim.

What my amendment does, is it allows a remedy to all those millions of people who could have been the victims of fraud, who could have been the victims of reckless conduct, who could have been the victims of carelessness and negligence, who have absolutely no remedy; they cannot recover any of their out-of-pocket losses or any of those things. What my amendment does is it creates no new torts, no causes of action, no anything. When you talk, at great length, about the economic loss rule, the Supreme Court, and how various States have adopted it, it simply leaves that law in place. That is all it does, and only for those folks who have no other remedy because they have no contract.

Mr. HATCH. Will the Senator yield?

Mr. EDWARDS. I will.

Mr. HATCH. That is what the Senator's amendment does. But in this total, overall bill, there is a statutory compensation, statutory exemption.

Most States—in fact, I think virtually all States—have consumer fraud statutes that provide for the right to sue that allow for economic loss if there is an intentional fraud or criminal violation.

Mr. EDWARDS. Will the Senator yield for a question on that?

Mr. HATCH. The underlying bill does not change that. It does provide for an exception for statutory law. Where a State has a statutory provision, this bill does not change that.

The Senator's position that intentional torts and common law fraud would not be remedied under this bill is incorrect.

Mr. EDWARDS. Only with respect to economic loss, which is what we are talking about.

In any event, my belief is, what we are dealing with is a situation where anybody, any little guy in the country who has no contract basically has no remedy. They cannot do anything.

To the extent we talk about this being just a 3-year bill, that 3-year period, in the nature of the Y2K problem, is going to cover every single Y2K problem that exists in the country. This problem is going to erupt in the year 2000. Three years is plenty of time to cover every single problem that is going to occur in this country. To the extent the argument is made that it is a limited bill, it is going to cover every single Y2K loss that will occur in this country.

What I am trying to do with this amendment, which is very narrowly drawn, is create no new claims, no new causes of action, to have a provision that works in concert with the requirement that contracts be enforced. But for all those folks who have no contract, if their State allows them to recover for out-of-pocket losses, then they would be allowed to do that. If they have been the victim of fraud, if they have been the subject of criminal conduct, if they have been the victim of simple recklessness or negligent conduct, only if their State allows that would they be allowed to recover that loss.

Every other limitation in this bill stays in place: No joint and several, caps on punitive damages, duty to mitigate, 90-day waiting period, alternative dispute resolution, limitation on class action, specificity of pleadings and materiality—all those things stay in place.

We are simply saying for those little guys across America who do not have a team of lawyers representing them drafting contracts, they ought to have a right to recover what they had to pay out of pocket as a result of somebody being irresponsible with respect to a Y2K problem.

AMENDMENT NO. 620 TO AMENDMENT NO. 608

Mr. EDWARDS. Mr. President, I ask that the previous amendment be set aside and I send another 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 North Carolina [Mr. EDWARDS] proposes an amendment numbered 620 to amendment No. 608.

Mr. EDWARDS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 7 (7), line 12 (12), after ''capacity'' strike ''.'' and insert:

''; and

''(D) does not include an action in which the plaintiff's alleged harm resulted from an actual or potential Y2K failure of a product placed without reasonable care into the stream of commerce after January 1, 1999, or to a claim or defense related to an actual or potential Y2K failure of a product placed without reasonable care into the stream of commerce after January 1, 1999. However, Section 7 of this Act shall apply to such actions.''

Mr. EDWARDS. Mr. President, the purpose of this amendment is very simple. It is to provide that this bill, which provides many protections to those people who sell computer products for Y2K problems, not apply after January 1 of 1999, after this bill began its process of consideration in the Congress, because it is absolutely obvious that everybody in the country has known about this problem for many years and has been documented. It has actually been known for a period of 40 years and intensely watched over the last few years. Certainly every computer company in the world knew about Y2K before the beginning of January 1, 1999, when we began consideration of this legislation. There is a reason that this amendment is needed and necessary. Let me give an example.

There are 800 medical devices that are produced by manufacturers across this country that are date sensitive and critical to the health care of people in this country, because a malfunction can cause injury to people.

Approximately 2,000 manufacturers sell these medical devices. About 200 of those manufacturers, 10 percent, have yet to contact the FDA about whether their medical devices are Y2K compliant. After being asked numerous times by the FDA, they have given no response. These are people who have been on notice for a long time about this problem.

It is really a very simple amendment. What the amendment says is, beginning in 1999, when everybody on the planet knew that this was a huge problem, if you kept selling non-Y2K-compliant products, you certainly should not have any of the protections of this bill, with one exception: We still keep in place the 90-day cooling off or waiting period because we think it is reasonable for the manufacturer or the seller to have that period of time to look at the problem and work with the purchaser to see if it can be resolved, even if they put a product in commerce unreasonably knowing that this problem existed.

The amendment says that folks who kept selling, beginning in 1999, non-Y2K-compliant products, knowing full well that this problem existed, knowing that the Congress was about to consider legislation on this issue and knowing that they were acting irresponsibly, should not have the protection of the McCain bill. That is the purpose and reason for this amendment.

The FDA example is a perfect example. We have 200 companies out there who are unwilling to tell the FDA they have even looked to determine whether their medical products that involve the safety and lives of people are Y2K compliant.

There is nothing in the McCain bill that prevents companies from continuing—I mean through today—selling non-Y2K-compliant products. I know in the spirit in which this bill was offered and intended that my colleagues would not have intended that we continue to allow, as a nation and as a Congress, people to engage in reckless, irresponsible conduct without holding them accountable for that, even today, knowing full well this problem exists. It simply excises from protection of this bill all those folks who continue, even today, to sell non-Y2K-compliant products unreasonably; that is, knowing that they are selling non-Y2K-compliant products.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, parliamentary inquiry. Does this amendment modify the prior amendment; does it supersede the prior amendment?

The PRESIDING OFFICER. The previous amendment was set aside, and this is a separate amendment.

Mr. HATCH. Mr. President, this amendment basically is, in my opinion, too broad and too vague to provide guidance. It would cause more litigation, and what we are trying to do is prevent litigation that literally is unjustified.

This amendment does not take into account the practical reality that the standard of care is determined as part of the case. Thus, how would a plaintiff know what the pleading requirements are under S. 96 for specificity? How would they know that? If it simply depends on the allegation of the plaintiff, then no plaintiff would fall under the requirements of this bill. This could result in tremendous abuse. Talk about loopholes, this would be the biggest loophole of all in the bill. The fact of the matter is, what we are trying to do in this bill is avoid litigation.

The distinguished Senator from North Carolina talks about protecting the little guy out there, and the way that is done generally is through class actions, where the little guy gets relatively little, but those in the legal profession make a great deal. That is what we are trying to avoid, a pile of class actions that are unjustified under the circumstances where the manufacturers and all these other people go into the bunkers and get a bunker mentality rather than resolving these problems in advance. The whole purpose of this bill is to get problems resolved, to get our country through what could be one of the worst economic disasters in the country's history.

The Y2K bill before us sets an important criteria for fixing the problems.

There needs to be specificity in plaintiffs' pleadings—in fact, both plaintiffs' and defendants' pleadings—so glitches can be fixed before litigation.

This amendment would allow ''reasonable care standards,'' which must be shown in negligence cases. It does not have to be pleaded with specificity. This would defeat the very purpose of this act, which is trying to get us to be more specific so those who have problems will be able to rectify those problems and remediate those problems.

The goal here is to solve problems, not allow any one side or the other to get litigation advantage. We are not trying to give the industries litigation advantage. We are not trying to give big corporations litigation advantage. We are trying to solve problems. I commend all of those on this bill who have worked so hard to do so.

If we accept this amendment, my gosh, we will not only not solve problems, we will not have specificity in pleadings, we will never know what is really going on, and we will have massive class actions all over this country that will tie this country in knots over what really are glitches that possibly could be corrected in advance.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I thank Senator HATCH for his very important and persuasive input in this debate. I appreciate it very much.

I did want to save a few minutes for Senator SESSIONS to make his remarks. I yield to the Senator from Alabama.

The PRESIDING OFFICER. The opponents have 4 minutes remaining.

Mr. SESSIONS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I associate myself with the excellent analysis by Senator HATCH. He chairs the Judiciary Committee. He has had hearings on this very problem. I think he has explained the situation very well.

We need, in the course of dealing with computer Y2K problems, a uniform national rule. That is what we are attempting to do here. One of the great problems for the computer industry is that they are subject to 50 different State laws. The question is, Can they be unfairly abused in the process of massive litigation? I suggest that they could be, and actually that the entire industry could be placed in serious jeopardy.

I recall the hearings we had in the Judiciary Committee on asbestos. There were 200,000 asbestos cases already concluded, and 200,000 more are pending. Some say another 200,000 may be filed. What we know, however, is that in that litigation 70 percent of the asbestos companies are now in bankruptcy. We do not have all the lawsuits completed yet.

We also know that only 40 percent of the money they paid out actually got to the victims of this asbestos disease. That is not the way to do it, and that is what is going to happen in this case.

What the Senator from North Carolina is basically arguing is for each State to keep its own economic loss rule, as I would understand his argument. But the problem with this is that a clever State could run out tomorrow and change its economic loss rule, or the court could rule and allow a few States to drain this industry, while other States are maintaining the national rule.

First and foremost, the economic loss rule is a traditional rule of law. This statute basically says that. We will use a national rule for economic loss. It is a significant issue because we are blurring the differences between tort and contract.

Alabama used to have common law pleading in which they were very careful about how you pled a case. You had to plead in contract or you had to plead in tort. If you pled in contract, you were entitled to certain damages. If you pled in tort, you were entitled to other damages. But you had to prove different elements under each one to get a recovery. The courts have said certain actions are not tort and certain action are not contract—they are only one.

This legislation that is proposed would say, let's accept the national rule, the rule that has been clearly approved by the U.S. Supreme Court. Senator HATCH quoted from the U.S. Supreme Court in a unanimous verdict in approving this economic loss rule.

I think it would be a big mistake for us to go back to the 50–State rule instead of the uniform rule so that we can get through this one problem, the Y2K problem, and limit liability and focus our attention on fixing the problem rather than lawsuits. If we have lawsuits in every single county in America, we are not going to have 200,000, we are going to have 400,000, or more. We have to end that. I know my time is up.

The PRESIDING OFFICER. All time of the opponents has expired.

The Senator from North Carolina has—

Mr. DODD. I ask unanimous consent for 1 minute.

The PRESIDING OFFICER. Is there objection?

Without objection, the Senator from Connecticut is recognized for 1 minute.

Mr. DODD. The Senator from Alabama said it. Look, this is one of those issues where we have legislators, as Senators, who are constantly trying to find compromise. Reaching a 100-vote consensus, I guess, is the ideal representation of that. But occasionally there is just a division here. You have to make a choice on where you are going to go with this.

This is a 36-month bill to deal with a very specific, real problem. I just left a hearing this morning on the medical industry. We are not talking about personal injuries here, but to give you some idea, there are some serious problems in terms of compliance we are seeing across the country. You have to decide here whether or not you want to expand litigation, which is a legitimate point.

There are those who think the only way to deal with this is to rush to court. I respect that. I disagree with it, but respect it. Or do you decide for 36 months we are going to try to fix the problem to try to reduce the race to the courthouse?

Those of us who are in support of this bill come down on that side. The only way you are going to do it is to have some uniform standards across the country. We all know, as a practical matter—any first-year lawyer would tell you—you would run to the State that has the easiest laws and get into court.

If you disagree, you ought to vote for the Edwards amendment. If you think we ought to fix the problem, we think you should reject it so we can solve this over the next 36 months.

I thank my colleagues.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EDWARDS. I say to my friend, Senator DODD, he and I actually agree about the vast majority of what he just said. I think this bill in place, if it passes, will do all the things the computer industry wants to protect them against Y2K problems.

Joint and several liability is gone. There is a cap on punitive damages. The duty to mitigate isn't present. There is a 90-day waiting period, cooling off period. We have the 36 months. We have class action limitations. We have specificity and materiality of pleading.

This is a very narrow, simple thing that we are trying to accomplish with this first amendment. We will enforce contracts as they exist. That is what these folks have been talking about at great length, and that is exactly what we should do.

The problem is with those folks who do not have a contract, which is going to be the vast majority of Americans. When Senator SESSIONS says that the economic loss rule is a traditional rule, he is right about that. What my amendment says is that traditional rule stays in place exactly as it is.

The problem is, the provision in this bill, in the McCain bill, is not the traditional rule. It contains no exceptions of any kind—no exceptions for fraud, no exceptions for reckless conduct, no exceptions for irresponsibility. The result of that is, regular people who buy computers—small businessmen, small businesswomen, consumers, folks who do not have an army of lawyers who

went in and crafted contracts on their behalf—have no remedy. They simply have no remedy; they cannot get anything, not even their out-of-pocket loss. That is what the McCain bill does.

What I have done in the narrowest conceivable fashion is drawn an amendment that allows those folks to recover only what their State law permits them to recover. It is just that simple. That is on the first amendment.

On the second amendment, I just can't imagine what the argument is against this, although I heard the distinguished Senator from Utah argue against it. The very idea that people who are today, in 1999, selling non-Y2K-compliant products irresponsibly—and that is what is required—if they sell it without knowing about it, then they are still covered by the bill. Under my amendment, if they sell it knowingly, if they sell it irresponsibly in 1999, today, it simply says: Surely the Congress of the United States is not going to protect you. You have known about this forever. We are not going to continue to protect you.

It is not going to create a flood of litigation. I have to respectfully disagree with my friend, Senator HATCH. That makes no sense at all. If the consumer didn't buy the product in 1999, and they can't show the product was sold and put into the stream of commerce irresponsibly in 1999, then the McCain bill is going to apply to them. Surely my colleagues do not want to provide this Congress's, this Senate's protection, stamp of approval for people to keep selling noncompliant Y2K products, including, in my example, people who sell medical devices that can cause injury and death to people. I just don't believe my colleagues on either side of the aisle want their stamp on allowing people to keep doing this, even though they are fully aware of it.

That is simply what my amendment addresses. It says if you are still selling this stuff, and you are selling it non-Y2K compliant, and you know what you are doing, you don't get the benefit of the McCain bill.

It couldn't be any simpler than that. I respectfully suggest to my colleagues they do not want to put their stamp on people who have known about this problem forever and are doing nothing about it. Not only that, knowingly continuing to sell non-Y2K-compliant products that can cause injury to business, and, in the medical device fields, can cause injury to people, I just do not believe my colleagues on either side of the aisle would want to support that. This amendment cures that problem.

With that, I yield back the remainder of my time and ask for the yeas and nays on both amendments.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered on both amendments.

VOTE ON AMENDMENT NO. 619

The PRESIDING OFFICER. The question is on agreeing to amendment No. 619. 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 Alaska (Mr. STEVENS) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 161 Leg.]

YEAS—41

Akaka	Edwards	Mikulski
Baucus	Feingold	Murray
Bayh	Graham	Reed
Biden	Harkin	Reid
Bingaman	Hollings	Robb
Boxer	Johnson	Rockefeller
Breaux	Kennedy	Sarbanes
Bryan	Kerrey	Schumer
Byrd	Kerry	Shelby
Cleland	Kohl	Specter
Conrad	Landrieu	Thompson
Daschle	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Levin	

NAYS—57

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

NOT VOTING—2

Inouye	Stevens

The amendment (No. 619) was rejected.

VOTE ON AMENDMENT NO. 620

The PRESIDING OFFICER. The question now is on agreeing to amendment No. 620.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

The PRESIDING OFFICER (Mr. FITZGERALD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 62, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—36

Akaka	Feingold	Lincoln
Biden	Graham	Mikulski
Boxer	Harkin	Murray
Breaux	Hollings	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Landrieu	Shelby
Dorgan	Lautenberg	Specter
Durbin	Leahy	Torricelli
Edwards	Levin	Wellstone

NAYS—62

Abraham	Enzi	Mack
Allard	Feinstein	McCain
Ashcroft	Fitzgerald	McConnell
Baucus	Frist	Moynihan
Bayh	Gorton	Murkowski
Bennett	Gramm	Nickles
Bingaman	Grams	Robb
Bond	Grassley	Roberts
Brownback	Gregg	Roth
Bunning	Hagel	Santorum
Burns	Hatch	Sessions
Campbell	Helms	Smith (NH)
Chafee	Hutchinson	Smith (OR)
Cochran	Hutchison	Snowe
Collins	Inhofe	Thomas
Coverdell	Jeffords	Thompson
Craig	Kohl	Thurmond
Crapo	Kyl	Voinovich
DeWine	Lieberman	Warner
Dodd	Lott	Wyden
Domenici	Lugar	

NOT VOTING—2

Inouye	Stevens

The amendment (No. 620) was rejected.

Mr. GORTON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 621 TO AMENDMENT NO. 608

(Purpose: To ensure that manufacturers provide Y2K fixes if available)

Mrs. BOXER. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. BOXER] proposes an amendment numbered 621 to amendment No. 608.

Mrs. BOXER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

In section 7(e) insert at the end the following:

(5) SPECIAL RULE.—

(A) IN GENERAL.—With respect to a defendant that is a manufacturer of a device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data that experienced a Y2K failure, the defendant shall, during the remediation period provided in this subsection—

(i) make available to the plaintiff a repair or replacement, if available, at the actual cost to the manufacturer, for a device or other product that was first introduced for sale after January 1, 1990 and before January 1, 1995; and

(ii) make available at no charge to the plaintiff a repair or replacement, if available, for a device or other product that was first introduced for sale after December 31, 1994.

(B) DAMAGES.—If a defendant fails to comply with this paragraph, the court shall consider that failure in the award of any damages, including economic loss and punitive damages.

Mrs. BOXER. Mr. President, before I start to explain the amendment, I wonder if I may engage in a colloquy with the managers of the bill to make sure we are on the same path.

As I understand it, after conversing with Senators HOLLINGS and MCCAIN, there has been an agreement that we will have a vote at 2 o'clock on this particular amendment—I want to make sure I am correct on that—and that we will come back at 10 to 2 and each side will have 5 minutes at that time.

Mr. GORTON. Unfortunately, we have been notified of an objection to that request on this side. We cannot agree to it right now. We are going to try to work it out.

Mrs. BOXER. We will just start the debate and see how long it takes us.

Mr. President, this bill is an important bill to the State of California. I want to put it in a certain perspective. I very much want to vote for a Y2K bill, and that is why I supported the Kerry alternative which I believe is a fair and balanced bill because, after all, what we are trying to do is get the problem fixed.

A lot of times I listen to this debate and it gets very lawyerly, and that is fine. I am not an attorney. What I want to do is get the problem fixed. What I want to do is be a voice for the consumer, the person who wakes up in the morning and suddenly cannot operate his or her computer; the small businessperson who relies on this system, and, frankly, a big businessperson as well. I want to make sure what we do here does not exacerbate the problem. I want to make sure what we do here gets the problem fixed. That is what all the Senators are saying is their desire: to get the problem fixed.

The reason I support the Kerry bill and think it is preferable to the underlying bill is that I believe it is more balanced. If you are a businessperson and, as Senator HOLLINGS has pointed out, many times you make a decision based on the bottom line—most of the time—what you will do is weigh the costs and the benefits of taking a certain action. If you have a certain number of protections the Senate has given you, and those protections mean you have a better than even chance in court of turning back a lawsuit, you are apt to say: Maybe I will just gamble and not fix this problem, because I have a cooling off period.

Frankly, in the underlying bill, the only thing that has to be done by the manufacturer involved is, he has to write to the person who thinks they may be damaged. That is all they have to do. They do not have to fix the problem. They do not even have to say they are going to fix the problem. They just have to say: Yes, I got your letter and I am looking at the situation.

Then you look at the rest of the law, and the bar is set so high that I believe some businesspeople—certainly not all—will say: I am probably better off not fixing the problem.

I go back to the original point. If your idea is to fix the problem, we ought to do something that encourages the problem to be fixed.

I totally admit, each of us brings a certain set of eyes to the bill. When I look at the underlying bill, I see some problems. Others think it is terrific, that it will lead to a fix of the problem, and therein lies the debate.

Every time I listen to this debate, I hear colleagues of mine who support this bill talk about how much they love the high-tech industry, how important the high-tech industry is to this country, how important it is that we do not do anything to reverse an economic recovery.

All I can say is, no one can love the high-tech industry more than the Senator from California—I should say the Senators from California—because it is the heart and soul of our State. I do not have to extol Silicon Valley, the genius of the place, the fact that it is now being replicated in other parts of California, in San Diego, for example, in Los Angeles, where they have these high-tech corridors. It is wonderful to see what is happening.

The last thing I want to do is hurt that kind of industry and hurt that kind of growth. But there is something a little condescending when my colleagues who support the underlying bill stand up and say: You are going to hurt the industry if you do not support the underlying bill. I think it is demeaning. I think it is demeaning to Silicon Valley.

This is a strong industry. This is an ethical industry. These are good, decent people with good business sense and a sense of social justice, if you look at what they are doing in their local communities. To make it sound as if they need special protections and they need to be coddled is something that I do not ascribe to.

I think it is a lack of respect. Yes, we have a problem here. Let's try to fix it. But to assume that this industry cannot stand up and fix a problem somehow troubles me. It is not respectful of the industry. It says there are some people who may need to have this special protection, and not fix the problem of the consumers.

So when I look at the bill, I say, what really is in this bill that will lead to a fix of the problem? I have to tell you, in my heart of hearts, I really do not see it. I support a cooling off period. I think everybody does—most people do, because we do not know exactly what is going to hit us. Let's have a cooling off period. But something ought to be done in the cooling off period—more than just simply having a letter.

If I write a letter to company X and say, "I woke up this morning; my computer failed me; I'm a small businessperson; I'm in deep trouble; fix it," you know what the McCain bill says? I have a right to get a letter back within 30 days telling me what the company is going to do. What does that do for my business? What does that do for me? What does that do to help me get back on line? Nothing. As I read the bill, that is all that is required.

So I want to fix the problem. I want to do it fairly. Under this underlying bill, suppose you bought the computer in 1998 or 1999. They could charge you more for the fix than the computer itself. You might just say: I am just getting rid of this computer. I am going to go out and buy a new one. You know what. You might then go to court; you would be so angry.

So I don't see what we are doing in this bill that is real. I want to offer something that is real. That is what I do in this amendment.

I want to tell you where I got the idea for this amendment, because I want you to know I did not think it up, as much as I wish I did. The consumer groups brought this to me—not the lawyers, not the high-tech people, the consumer groups. They said: We really don't want to have to go to court. We want to fight for a fix. We have this good idea. Guess where it was found, word for word, almost. Congressman COX'S and Congressman DREIER'S original bill on Y2K contains this wonderful idea that, in the cooling off period in the bill, after you write to the company or companies involved, they must write back to you. And if they determine there is a fix available—and it is their determination, nobody else's—they have to fix the problem.

What we have said in this amendment is, if the fix is on a system that is between 1990 and 1995, they can charge you the cost of the fix. So the company is out nothing, because we figure it may be a little more complicated than the later models. If it is after 1995, to 1999, then they have to do it for free, because—I have listened to Senator HOLLINGS, and perhaps he can help me out with this point—most of the companies knew about this problem a long time ago. And, more than that, a vast majority of them are fixing the problem. They are doing it for nothing.

Mr. HOLLINGS. Will the distinguished Senator yield?

Mrs. BOXER. I am delighted to.

Mr. HOLLINGS. I am intrigued by the Senator's comments with respect to the industry itself. This Senator does not know of a lousy computer manufacturer. It is the most competitive industry in the world. You have to have the most brilliant talent around you. As they say, it changes every other year. Or every year, and so forth, it is outdated. So, that being the case, there are no real laggards or hangers-on.

Right to the point, does the Senator realize, for example, that they have to file with the Securities and Exchange Commission what we call a 10–Q report; namely, of the Y2K problem? Do they know of the problem? What is the potential risk under the problem? What is to be done in order to correct that particular problem, and otherwise? What is the cost to the company? The stockholders want to know this information.

The Securities and Exchange Commission requires it. Just looking at the Boeing Company Y2K report under their 10–Q report: ''The State of Readiness. The company recognized the challenge early, and major business units started work in 1993.''

Did the Senator realize that?

Mrs. BOXER. I actually was not aware many of them started the fix that early.

Mr. HOLLINGS. Well, going further, does the Senator realize, for example—we are going to have lunch with the distinguished leader, Mr. Dell of Dell Computer—as of December 14 of last year, in their 10–Q report they state: ''All products shipped since January 1997 are Y2K-certified. Upgrade utilities have been provided for earlier hardware products''?

Mrs. BOXER. I was not aware of that, that the Dells were Y2K-compliant as of 1997.

Mr. HOLLINGS. Does the distinguished Senator realize ''no material''—no material cost? So they are not looking for a bill.

I hope we do not pass a bill. Then, when the world ends, as some of the Senators around here are saying, and the computer industry is ruined, Dell will be the only one left. I will be all for them. That is really the history of all of them. I have Yahoo. I have all the rest of them here listed.

But I think that is the point the distinguished Senator from California is making, who would know better than any, that this is a most responsible industry. They are not trying to get rid of the old models.

This particular legislation, the Senator's amendment makes sure they do not get rid of the old models. It is like a car company saying: We are going to bring out a new model come January 1, so all the old models that we sell all this year are going to have all kinds of gimmicks or glitches. But let's make them 90 days or let's let them get a letter back or something else of that kind. If the automobile industry came to Washington and asked for that, we would laugh them out of court.

Mrs. BOXER. I want to make a point. It is a very subtle point to make. But by discussing minute after minute these special protections that go beyond the fair protections that I believe are warranted—and, by the way, my friend from Oregon made this a much better bill; I give him tremendous credit for that—but in my view, they still have special protection that, frankly, the greatest business in the world does not really need to have, because they are good people, because they are making the fixes, because their future depends upon how the consumer rates them.

Mr. HOLLINGS. Certainly.

Mrs. BOXER. What I am fearful of is that in the end we are protecting the bad apples. And I do not mean to use Apple Computer. Apple Computer got this a long time ago. They are all compliant. But we will wind up—because so much of the industry cares about this, wants to make the fixes—protecting those few that are bad. I am very worried.

Mr. DURBIN. I think the Senator makes an excellent point. I ask the Senator if she will yield for a question.

Mrs. BOXER. Yes.

Mr. DURBIN. Because many people think this is a debate between the computer and software companies versus the trial lawyers; choose whose side you are going to be on. People forget we are talking about the consumers of the products, the people who buy computers and software. These are businesses, too. These are doctors and manufacturers and retail merchants who rely on computers to work.

This bill basically says, if you bought a computer that, it turns out, stops working come January 1 in the year 2000, we are going to limit your ability to recover for wrongdoing by the person who sold it to you. We will limit it. Unlike any other category of defendants in American courts, save one that I can think of, we are going to say this is a special class of people; those who make computers and software are not going to be held accountable like the people who make automobiles, and the folks who make equipment, the folks who make virtually everything in the world, including all of us.

Everybody gathered here in this Chamber can be held liable in court for our wrongdoing. If we make a mistake, we can be brought before a jury, and they can decide whether our mistake caused someone damage. This bill says: Wait a minute, special class of Americans here. American corporations that make computers and software shall not be held liable, or at least if they are going to be held liable, under limited circumstances. So the losers in this process are not trial lawyers. The losers are other businesses that say, January 2, wait a minute, this computer is not working. I can't make a profit. I have hundreds of employees who counted on this, and now what am I supposed to do?

I say to the Senator from California, thank you for this amendment.

A couple questions. You make a point here that if we are going to generalize and say, well, there may be some bad actors in this industry that sold defective products, that we are going to, in fact, absolve all manufacturers, it is a disservice to the companies which in good faith have been doing everything in their power to bring everything up to speed. Just to make this point, is it the Senator's point that we do not want to favor those bad actors at the expense of so many good actors from Silicon Valley and across the world?

Mrs. BOXER. Absolutely. I think this argument has not been made before. Something was troubling me, as I listened to the debate, because it seemed to me that the implied sense around here is that somehow this wonderful industry can't stand up to this test. This is an industry that has performed miracles for the people of this country, changing the nature of the way we do business, the way we live, the incredible communications revolution. I think they can meet this challenge. I do not think they need to have, as my friend puts it, this special carve-out, because I think in a way it is insulting to them.

Mr. DURBIN. If the Senator will continue to yield, I can only think of two other groups in America that enjoy this special privilege from being sued: foreign diplomats——

Mrs. BOXER. Yes.

Mr. DURBIN. —and health insurance companies, which happen to fall under the provision in Federal law which says—we are debating this, incidentally, on the Patients' Bill of Rights—if they denied coverage to you, they only have to pay for the cost of the procedure, as opposed to all the terrible things that might have happened to them. As I understand this bill, from the amendment by the Senator from North Carolina, there are strict limitations here on what a person whose business is damaged can recover.

Mrs. BOXER. Correct.

Mr. DURBIN. I also ask the Senator, as I take a look at her amendment, she is suggesting, if I am not mistaken, that if you bought your computer back 10 years ago, which was light-years ago in terms of computer technology, for a 5-year period of time, 1990 to 1995, is that correct——

Mrs. BOXER. That is correct.

Mr. DURBIN. —if you bought it during that period of time and there is a problem, then the company, of course, can charge you for the cost of bringing your computer up to speed, making sure it works?

Mrs. BOXER. Yes.

Mr. DURBIN. But after 1995, the Senator is arguing, the industry knew what was going on. They knew what the challenge was. If they continued to sell computers they knew were going to crash or did not take the time to fix, then she is saying the customers, the businesses, the doctors and engineers that bought the computers shouldn't be left holding the bag; it should be the expense of the computer company to fix it. Is that the Senator's amendment?

Mrs. BOXER. Exactly right. Under the underlying bill, if you bought a computer in 1999, and it fails you a few days later, you get nothing in terms of a fix. You get a letter. We hope the letter says we are going to fix it. But you do not have any commitment that it would be for free. You could get charged thousands of dollars. Our friend, Senator HOLLINGS, who has been so articulate in the opening moments of the debate, talked about these doctors where the company said in order for them to get a fix, it costs them more than the original system. Am I right, I say to the Senator?

Mr. HOLLINGS. Exactly. He bought an upgrade just the year before, guaranteed for at least 10 years, for $13,000. In order to fix it, the charge was $25,000. That is the testimony before a committee of the Congress. He had really not only written a letter and everything else, no response, he finally got a lawyer, but even that did not work. The lawyer was clever enough to put it on the Internet and, bam, there were 20,000 similarly situated. Wonderful Internet. Immediately the company said: We will not only fix it, we will pay the lawyers' fees and everything. That is all he wanted. He wanted a fix. Otherwise, he was out of business.

People don't rush to the courthouse. They have to do business. If I filed a claim for Senator BOXER this afternoon in the courts of California or South Carolina, I would be lucky to get into the courthouse before the year 2000. I mean, the dockets are backed up that way. We live in the real world.

We are not looking for lawsuits. We are looking for results.

Mrs. BOXER. I say to my friends, that is so true. If you look at the number of lawsuits that are out there, the big explosion, and there has been one, has been business suing business. It is not the individual, and it is not the small guy, because it is cumbersome, and it is expensive. You don't get your problem fixed really.

Mr. DURBIN. If the Senator will yield, I am curious. I ask the Senator for her reaction on this. What if we said, instead of computers, we are going to deal with airplanes this way. If we said we do not want people who make airplanes to be held liable if they fall out of the sky, America would say that is crazy, that is ridiculous. We, of course, want to hold the manufacturers of products where we have a lot at stake to a standard of care.

If you were going to absolve them, insulate them, then, frankly, as a consumer I am going to have second thoughts about getting on the airplane.

I think what the Senator is saying with her amendment is those companies that have done the right thing, have established their reputation for integrity by stepping forward and saying we are solving the Y2K problem, certified, as the gentleman from Dell Computer did with the SEC, these companies that have gone that extra mile and want to stand behind that reputation will actually be penalized by this bill, because, frankly, all their hard work is not only being ignored, it is being defied.

They are saying: We have to carve out a special treatment here for those who didn't do a good job as businesspeople.

Coming back to the point I made earlier, the victims here are not trial lawyers. The victims are businesses, small businesses as well as medium-size businesses, trying to keep their employees at work, worrying that January 2 of the year 2000, they are going to have to close down and send people home without a paycheck. Those are the folks disadvantaged by the broad sweep of this bill.

I think the Senator from California is on the right track. The good actors, the ones that have worked hard to make this work, should be rewarded. Those that have not should not be protected by the National Association of Manufacturers, the U.S. Chamber of Commerce, and all of the interests that have come in here and said, let us provide special treatment for those that have not met their responsibility.

Mrs. BOXER. I thank my friends for their comments, because as I listened to them, I become more and more convinced of the importance of this amendment. It levels the playing field between the good actors and the bad ones.

Right now, if this bill passes without this amendment, nobody has to do anything. The people who already have taken the move to fix the problem are definitely at a disadvantage. Why? They spent money to do it. They worked hard to do it. Yet, we are protecting those who are sitting back and saying, wow, I can't believe this deal I am getting.

They are changing the law. It is only for 3 years, but it is enough time. How many people are going to sit around and wait to get their computers fixed? They will throw them out, and that is hard for a lot of consumers. That is why the Consumers Union is so strongly behind this and Public Citizen is so strongly behind this.

Mr. HOLLINGS. Will the Senator yield?

Mrs. BOXER. I am happy to yield.

Mr. HOLLINGS. I hold in my hand an Institutional Investor. This is the real official document, the investment industry. They had a survey of the Congressional Financial Officers Forum of all the large corporations in the country. To the question, Do you feel your company's internal computer systems are prepared to make the year 2000 transition without problems, do you realize that 88.1 percent said yes, and only 6 percent said no? So that is 6 percent that have another 6 months to take care of it. With respect to actually getting and working out with their suppliers, do you realize that 95.2 percent said they have worked with their suppliers and are ironing out all the problems?

It really verifies exactly the astute nature of the computer industry, as described by the Senator from California. You are right on target, and it hasn't been said on the floor as you are saying it, with authority, too. I commend the Senator.

Mrs. BOXER. I thank the Senator. I can't be more proud of the Silicon Valley. I can't be more proud of the high-tech industry that I see blossoming all throughout my State. I can't be more proud of them.

The facts the Senator put into the RECORD make me even more proud, because what he is saying is the vast majority are good actors. The vast majority understand their good practice of fixing the Y2K problem will redound to their benefit as well as to the benefit of consumers. They have a business conscience. They are good corporate actors. They have a social conscience. They understand it.

In many ways, when you talk to some of these executives, they are very democratic. And I don't mean in terms of their party affiliation; I mean democratic with a small ''d.'' They want to spread democracy. They want each individual, through the power of the Internet and the power of their computer, to have the information, to have the knowledge. That is what excites them.

So they are good people making a wonderful product. They don't want it to fail. Yet, we have a bill here that essentially says to those who haven't moved aggressively on this problem—and by the way, this is taken from the Apple web site, I say to my friend. There is a great quote by Douglas Adams about the year 2000 readiness. His quote is:

> We may not have gotten everything right, but at least we knew the century was going to end.

Good point. They knew the century was going to end. They knew there might be some problems.

So to sum up the argument I am making for this important amendment, it is the one amendment that I know of where the attorneys and the Silicon

Valley were not even entered into the discussion. It is a hard, straightforward, consumer rights amendment, brought to you by the consumer groups, the people who really care about the individual business and the individual. It was originally found in the Cox-Dreier legislation, which was introduced in 1998. We practically take it word for word. What does it require? It says in that remediation period, after you have notified the company of your problems, if they determine they have a fix to your problem, they have to fix it. It is as simple as that. Who decides if there is a fix? They decide. We are not having anybody come and look over their shoulder. If the company says we have a fix, they fix it.

Guess what happens. Everybody is happy. The consumer is happy. They can go back to work on their computers. The company is going to be happy because they are going to have to satisfy the consumer. There will be no lawsuit. Why? We fixed the problem.

In some very interesting way, the underlying bill, because it doesn't require any fix at all, even if your computer was bought 3 days before the millennium, encourages companies not to do it. I just hope there will be a unanimous vote for this amendment, and if there isn't, if we don't win this amendment, it says to me the consumer isn't important in this debate.

I can't imagine we are being so fair—if it is a really old computer, before 1990, the company could charge anything they want because we admit maybe it is worthless. But if it is between 1990 and 1995, they can charge you the cost. If it costs them $500 to fix the problem, you will pay $500. If it is a newer computer, between 1995 and the year 2000, they ought to do it for free because, as the Apple people said, ''We may not have gotten everything right, but we knew the century was going to end.''

I have to tell you that by 1995, 1996, 1997, 1998, 1999, if people didn't know this was a problem, they had to be sleeping, because everybody knew this was a problem in the 1990s.

I am very hopeful to get the support of the Senator from Oregon and to get the support of the Senator from Arizona. I think this will be something that would make this bill more consumer friendly, despite the other problems.

I yield the floor at this time.

Mr. WYDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I came over to the floor because I am in sympathy with what the Senator from California is trying to do. But this bill has taken such a pasting in the last 15 or 20 minutes that I am going to take a couple of minutes to correct the RECORD before we actually get into the merits of what my colleague is trying to do.

For example, I have heard repeatedly that if you pass this bipartisan legislation put together by the Senator from Arizona and the Democratic leader on technology issues, Senator DODD, and myself, well, these companies won't have to do anything; they won't have to do anything at all.

Well, if they don't do anything at all, they are going to get sued. That is what is going to happen to them. Then we heard that if they were big and bad, they were going to get a free ride. I heard that several times here on the floor of the Senate in the last 15 or 20 minutes. If you are big and bad, you are going to get a free ride if we pass this bill. I will tell you what happens if you are big and if you engage in egregious activity, if you rip people off; what happens is you get stuck for punitive damages because there is absolutely no cap on those, and joint and several liability applies to those people as well. That is what happens to the people who are big and bad under our legislation.

I think it is just as important that the RECORD be corrected. I also heard that businesses were going to be the victims and the like. Well, if that is the case, it is sort of hard to understand why hundreds and hundreds of business organizations are supporting this bill. I would be very interested in somebody showing me a list of some business groups that aren't supporting the bill because I would sure want to be responsive to those folks.

Let me, if I might, talk specifically about the Boxer amendment. By the way, apart from the last 15 or 20 minutes of discussion, my friend from California has been very helpful on a lot of technology issues that this Senator has been involved in. I remember the Internet Tax Freedom Act that we worked on in the last session of the Congress, where the Senator from California was very helpful. I very much appreciated that.

The question that I have—and maybe I can engage in a discussion with the Senator from California on this and try to see if I can get fixed in my mind how to make what the Senator from California is talking about workable, because I think the Senator from California wants to do what is right. I am now just going to focus on her amendment and sort of put aside some of these other comments that I have heard in the last 15, 20 minutes, which I so vehemently take exception to, and see if I can figure out with the Senator from California how we can make this workable. I want to tell her exactly what my concerns are. I come from a consumer movement, and she comes from that movement, and I know what she is trying to do is the right thing.

Let us say that you have a system where one chip out of thousands is out of whack. My colleague says it ought to be repaired or replaced, and the question that we have heard as we have tried to talk to people is: Does this mean replacing just a chip? Does it mean replacing the operating system? Who is responsible for the fix? Is it Circuit City, where you bought it? Is it Compaq Computer? Is it the chip maker?

What we have found in our discussions with people is that it wasn't just chips, but it was the software situation as well. Is it going to be Lotus or Novell or the retired computer programmer who put the code together a few years ago? As far as I can tell, the responsible companies—and I think the Senator from California has been absolutely right in making the point that there are an awful lot of responsible people out there. We are trying to do the right thing. The responsible people seem to want to do the kinds of things that the Senator from California is talking about. I know I saw an EDS advertisement essentially in support of our bill that talked about how they have a system to try to do this.

If we can figure out a way, with the Senator from California, to do the kinds of things she is talking about so as to not again produce more litigation at a time when we are trying to constrict litigation, I want to do it.

I have already had my staff put a lot of time into this. We are willing to spend a lot more time, because I think the motivations of the Senator from California are absolutely right. The question is how to deal with the kinds of bits, bytes, and chips, and all of the various technological aspects that go into this.

I would be happy to yield to my colleague and hear her thoughts on it.

Mrs. BOXER. Mr. President, first of all, I thank my friend. I know it is hard, when you put so much work into the bill, when there is a disagreement. I just want to say to my friend, in terms of my particular bill, it focuses on that so-called remediation period. That is what I am focusing on, because, in my opinion, there is nothing that requires any action to fix in that period. It requires communication back and forth. That was my only point.

This amendment—I am happy my friend is sympathetic to it, and I hope we can work out our differences on it—actually says to the manufacturer—the retailer is not involved in this. I say to my friend, if he reads my amendment, it just says if the manufacturer determines that there is a fix, then they must make the fix.

In that 10-year period, we prescribe that if it is a newer part and a newer system, he does it for nothing, because in 1995 he should have known it, and prior to 1995, 1990 to 1995, we say at cost.

Again, I want to make sure my friend knows, we do not change one piece of the underlying bill in terms of the rest of the bill. The rest of the bill stands.

We don't add any other court suits. We don't change any damages. All we say is fix it if you can. And if you cannot, the underlying bill will apply. That is really all we are doing.

I think this sends a clear message to those manufacturers that have been lax to follow the lead of the good manufacturers that have been wonderful. And those are the ones I know and love from my State who have said we are going to make the consumer whole, we are going to make the consumer happy.

I want my friend to know that we add no new cause of action—nothing. In the underlying bill, we just say remediation, period, instead of just saying it is a time for people to write bureaucratic lawyers a letter to each other, which is better than nothing. It is a cooling-off period. We say if you have a fix, make it work, because under the underlying bill there is no such requirement. You could charge people more than they even pay for the machine, et cetera, even if they got the machine 3 days before the millennium.

I am happy to work with my friend. If she wants to put a quorum call in, perhaps, and sit down together to see if we can come up with something, Senator MCCAIN said to me through staff that he thought we could do this as a policy.

Frankly, we are writing legislation, and I think it is deserving of being included. But I would be delighted to work with my friend.

Mr. WYDEN. My colleague is constructive, as always. Here is the kind of concern I think the high-technology sector would have to focus on the manufacturer. That deals with this issue of interoperability where, in effect, if you have one system or product that is Y2K compliant but, as a result of it being installed in a system that isn't already Y2K ready, you may have in fact failures, or bugs, or defects, the Y2K-ready product may get infected and not properly function. Then the question is, Who is responsible? Can you, in effect, have somebody take responsibility for fixing a problem that isn't under their control?

If the Senator from California would like to put in a quorum call and get into the issue of interoperability and how to deal with these various issues, and sort of have all of the people talking at once, I think that is very constructive. I am anxious to do it.

I think this is a discrete and important concept. Again, without going back to all the things that were said in the last 20 or 25 minutes, if you are a consumer, or a business, and you are getting stiffed, you can go out and sue immediately. You can go out and sue and get an injunction immediately. You don't have to wait 30 or 60 days, or whatever. You can go immediately.

I would like to spend the time during the quorum call to try to focus on what I think is a very sincere effort of the Senator from California to try to do something to help people who need a remedy, and need it quickly. We are going to have to get into some of these interoperability questions and some of the questions of what happens when you have a problem that essentially gets into your system after it leaves your hands. I am anxious to try to do it. We can put it in the context of the kind of discrete, specific idea that the Senator from California was talking about rather than what I heard during the last 20 or 25 minutes about how big and bad actors are going to get a free ride, when in fact on page 13 of the bill it says that you are liable for the problem that you cause. That is what is on page 13 of the bill. Proportionate liability—you are liable for the portion of the problem you caused. If you engage in intentional misconduct, if you rip people off, you are going to be stuck for the whole thing—joint and several, punitive damages, the works.

I would prefer to do what the Senator from California is now suggesting, which is to put in a quorum call, bring the good people from Chairman MCCAIN's office and from the office of the Senator from California and myself, along with Senator DODD's, into a discussion to see if we can figure out a way to make this workable.

I am happy to yield the floor.

Mrs. BOXER. I want to engage with my friend. I thank him for his usual willingness.

I want to make a point that I want my friend to understand. This is a very business-friendly amendment, because this amendment says the manufacturer has to determine if a fix is available.

In all the issues my friend raises—well, there is a part over here from that company, and a part over there—the question is, it has nothing to do with liability; it has to do with a fix available for the consumer. If the manufacturer determines there is no fix, because there is little product in inside, and a company is out of business and they can't replace the part, the manufacturer simply says there is no fix available, and then the rest of the bill applies.

Again, I say to my friend, as he said, as he described the fact, of course, the bad actors will be called into court later. We want to avoid that—both my friend and I.

I believe we have so many good actors out there, and my friend cited one of the companies that has really taken care of this problem. I think that is what the Senator from Oregon was talking to me about before when he said you know some of these companies are doing this. Absolutely, they are. We ought to make that the model. We ought to say that is wonderful, you take care of it, and everybody is happy, and there is no lawsuit.

I am hopeful, because I don't see this as complicated. We worked very hard to make it simple. We didn't want to tell the manufacturer, ''You can make the fix,'' if in fact they can't. If they in good faith say, ''There is a part inside this mother board, and we can't fix it,'' then they simply say, ''I am sorry, there is no fix available in this circumstance,'' and then the underlying bill applies.

But we think the leadership by the really good people in this high-tech community ought to be followed. We believe if we don't put this amendment in the bill that those who already have acted in such good faith, in such good business behavior, and such good corporate responsibility to fix the problem and are seriously at a disadvantage, because they scratch their head and say, ''You know, I should have waited, maybe I didn't have to do all of this, and people would have decided it is too much of a hassle, I will just throw out my computer and get a new one,'' I can tell my friend, I bet a lot of people will wind up doing that. That would be unfortunate, if a fix is available.

Whenever the Senator wishes to put in a quorum call, actually our friend from Delaware has been waiting to speak on another very important topic.

Mr. WYDEN. I believe I have the time. I am going to wrap up in 2 minutes, maximum.

Mrs. BOXER. When the Senator yields the floor, the Senator from Delaware will take over, and the Senator from Oregon, Senator MCCAIN, Senator DODD, and I can meet.

Mr. WYDEN. We are going to have to look at some of these.

The question is, Is a fix available? If we are not careful, that could be a lawyer's full employment program.

My colleague is absolutely right. In Oregon and California, we have access to some of the best minds and most dedicated and thoughtful people on the planet in this area. We should spend some time making sure we can get at this concept the Senator from California wishes to address in a workable way so we don't have more litigation, rather than less. I know the Senator from California shares that goal.

I yield the floor.

Mr. BIDEN. I ask unanimous consent to proceed in morning business for 15 minutes.

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

PEACE AGREEMENT

Mr. BIDEN. Mr. President, I rise today to speak of the military technical agreement signed by NATO and Yugoslavia. That is a fancy way for saying that we accepted the surrender of Slobodan Milosevic.

I just got off the phone with the Secretary of State who called me from Germany with another piece of very positive news. She indicated that because the G–8 was meeting in Germany,

they put together a group of Europeans to flesh out in detail a Southeastern Europe Stability Pact, which is an idea generated by the German Government.

The objective of that pact is to encourage democratic processes in southeastern Europe, in the Balkans, and to reduce tensions in the area. They have set up a very elaborate but clear timetable, and what they call ''regional'' tables, to promote democracy, economic reconstruction, and security. They have involved as the lead group the European Union, plus the OSCE, the United Nations, NATO, and to a lesser extent, the United States.

The reason I bother to mention this is that the hard part is about to come. I hope we will have the patience that we did not show on this floor to win the peace. We have won the war, notwithstanding the fact many thought somehow we should be able to do this in less than 78 days.

I think it is astounding that we talked about how this ''dragged on.'' We will probably find that close to 10,000 paramilitary and Serbian troops were killed. Only 2 Americans were lost in a training exercise—as bad as that is. Yet, we began to lose patience, because it wasn't done in a matter of 24 hours.

If we have the patience, we can win the peace, because unlike pursuing the war, the bulk of the financial responsibility, organizational effort, and guidance will come from the Europeans. The European Union will take on the major portion of the responsibility for rebuilding the region, reconstructing the area.

The American people should know that the President of the United States has tasked the Secretary of State to see to it—we will hear phrases such as ''mini Marshall Plan''—that the United States of America is not going to bear the brunt of the financial burden in reconstructing southeastern Europe. It is fully within the capacity of the Europeans. It is their responsibility. It is in their interest, and they are prepared to do it.

On the military side, the first part is in place. The Yugoslav Government has capitulated on every single point NATO has demanded. The last several days of discussions between NATO and Yugoslav military commanders were not about negotiation. They were about the modalities of meeting the concessions made by Milosevic's government on every single point NATO demanded. It took some time to work that out.

''Modalities'' is a fancy foreign policy word. Translated, it means: How in the devil are they going to leave the country? In what order are they going to leave the country? What unit goes first? When do NATO forces, KFOR, move in so that no vacuum is created? By ''vacuum,'' I mean when there are no Yugoslav forces in Kosovo.

That is what was going on. I got sick of hearing commentators on the air talking about how negotiations were going on between NATO and Milosevic. There were no negotiations. It was a total, complete surrender by the Yugoslavs, as it should have been.

There is now a firm, verifiable timetable for withdrawal of all Yugoslav and Serbian military, and all special police—those thugs who have roamed the countryside in black masks, raping women, executing men, and wreaking havoc on a civilian population. Those thugs—half of whom are war criminals themselves, and should be indicted as such, like Milosevic—are required to leave. The worst of all are the paramilitaries. They all are also required to leave. If they do not leave, they will be killed or forcibly expelled.

As I speak, this withdrawal has begun, although I trust Mr. Milosevic and the Serbian military about as far as I could throw the marble podium behind which the Presiding Officer sits. I am not worried, because even if they default, I am convinced of the resolve of NATO. We will pursue them. General Clark said 78 days ago that we would pursue them and hunt them down. And we did. And we will again, if necessary.

The fundamental goal of NATO's air campaign has been achieved, notwithstanding all the naysayers on this floor, all the talking heads on television, and all the columnists.

There has been an agreement for the return of all internally displaced persons and all Kosovar refugees who fled abroad. This is a monumental achievement, as it involves well over 1 million people. Some commentators have hesitated to call it a victory, but I do not. I understand why they hesitate to call it a victory. They called it a mistake up to now. So why would they call it a victory now?

It is a victory—a victory for NATO, a victory for the United States of America, a victory for Western values, a victory for human rights, and a victory for the rule of law. In personal terms, it is a victory for President Clinton and his administration, which, despite unrelenting and often uninformed criticism that began almost immediately, stayed the course.

I had some tactical disagreements with the way the administration proceeded. I don't think the President should have said at the outset that ground forces were off the table. He had to move back on that and make it clear that everything was on the table. That is susceptible to criticism.

I point out, however, that the President of the United States of America never once wavered on his commitment to do whatever it took to end this ethnic cleansing.

But, above all, it is a victory for the brave fighting men and women of NATO who carried out this air campaign, a majority of whom were Americans. Conversely, it is an unmitigated defeat for an indicted war criminal, the Yugoslav President, Slobodan Milosevic.

Just in case anyone wonders, he did not just become a war criminal. He was already a war criminal in 1993 when I spoke to him. He was a war criminal for his actions in Krajina. He was a war criminal for his actions in Bosnia. He is a war criminal for his actions in Kosovo. Had he not been stopped, he would have continued his vile ethnic cleansing.

By the way, I encourage my colleagues to read the Genocide Convention. I will not take the time now to recount it, but what has been perpetrated by Milosevic in Kosovo is genocide.

Our victory, I suggest, shows that patience and resolve can pay off. It should leave no doubt in the minds of the people throughout Europe and elsewhere in the world of the ability of a unified NATO to achieve its objectives. Now we have to move more swiftly to the second stage of the Kosovo campaign—peace implementation.

I read with some dismay today in the major newspapers that the House of Representatives is considering denying the funds to allow any U.S. participation in the implementation of peace. They seem determined to compound the mistake they made just several weeks ago. The reconstruction of Kosovo, as I said, and confirmed by my conversation with the Secretary of State from Germany a half-hour ago, is primarily the responsibility of the European Union.

I met with Helmut KOHL, the former Chancellor of Germany, just before the 50th anniversary summit of NATO. We met over at the Library of Congress for the better part of an hour and had a lengthy discussion. He is a very knowledgeable man and until last fall was the longest serving leader in Europe. He pointed out that there were 12 million refugees in Europe after World War II, and that the Europeans were able to handle the problem. He pointed out that the fifteen countries of the European Union have a combined gross domestic product larger than that of the United States of America. Anything remotely approaching a mini Marshall Plan is fully, totally, completely within the financial capability of our European friends, and it is primarily their responsibility. We should and must and will participate. But as I said to the President of the EU, as well as to the chancellor, and as well to every front-line state leader and every leader of the NATO alliance with whom I met, the sharing of the reconstruction burden in southeastern Europe should not be as it is in NATO, roughly 75–25. It should be more like 90–10. It is primarily their responsibility, and they understand they will greatly benefit from a reconstructed and more unified

southeastern Europe. I wish them well and hope their initiative will succeed.

This ratio, as I said, should be juxtaposed with the heavy responsibility we bore militarily in the Yugoslav campaign. The overwhelming majority of airstrikes when ordinance was dropped was carried out by our forces, and we have footed the lion's share of the bill. We have done this as the leader of NATO and as the only military power in the alliance capable of shouldering the burden. I do not complain about America's shouldering more of the burden when no one else is capable. But I do and will complain when others are equally or more capable than we are, and they do not take the lion's share of the responsibility. But in this case there is no argument, because the Europeans understand their obligation in economic reconstruction, and they are able and willing to carry it out. As I mentioned, they have already demonstrated the willingness to take the lead by proposing a Stability Pact for southeastern Europe, which at a later date I will discuss in detail. The European Union plan, in my view, should be coordinated with our own ongoing SEED program, which has already accomplished much in economic and democratic reconstruction in the former Communist countries of Central and Eastern Europe.

But the key question is the reconstruction of Serbia. There should be no reconstruction of Serbia as long as an indicted war criminal is Yugoslavia's President, as long as he is on the political scene. Once the Serbian people remove him, the Western World will be ready, willing, and able to come to the aid of Serbia and do it gladly. I hope that we will have the nerve to arrest Milosevic, send him to the International Criminal Tribunal at the Hague, and God willing, see him convicted. Only then, only when Serb people understand the extent of the atrocities Milosevic is responsible for, will they face up to the harsh reality of what they, quite possibility unintentionally, but nonetheless enabled to happen. It is time to end the perpetuation of the myth that Serbia is a victim.

I do not propose to be able to say exactly when and how Milosevic will leave office, but I predict there will be no Milosevic in power at this time next year. I think his days are numbered for three reasons.

First of all, most Serbian citizens realize if Milosevic had accepted the Rambouillet accords last February, they would have had substantially the same result but without having their country crippled by 11 weeks of bombing.

Second, as the troops return from Kosovo, the word will spread of the horrible casualties the Serbian troops have suffered. They do not know that yet because of the repressive Milosevic regime that manipulates the news. The number of Serbian military, paramilitary and police casualties will, I predict, total nearly 10,000. When the Serbian people learn of this carnage, I predict they will be angry, not merely at NATO but at Milosevic for bringing this upon them. Ten thousand Serbian soldiers and special police were killed, many of them slaughtered in B–52 raids in the last days of the war when Milosevic was stalling on signing the military technical agreement. When the extent of Serbian combat losses sinks in, there will be fury against Milosevic and his cronies.

Third, as KFOR—that is the acronym for the NATO implementation force—occupies Kosovo, I am convinced that every prediction I made here about the atrocities that were taking place will unfortunately be proven correct. You will be stunned at the evidence that will be uncovered of the brutality and the atrocities committed by the Serbians on a mass scale, far greater than the horrible massacres we already know about. These revelations, I believe, will further alienate the many decent Serbs who rallied behind Milosevic as their patriotic duty during the bombing campaign.

We know that KFOR's task will be a daunting one. Millions of mines must be removed. All booby traps must be found and disposed of. And—I do not know how it can be avoided—surely some NATO forces will be killed. I pray to God that this will not happen. I pray to God that KFOR turns out as successful in that category as the military campaign has, but I do not think we can count on that.

All armed locals and irregulars in Kosovo must be intimidated into submission. The KLA must be turned into a demilitarized police force under civilian control.

All these will be difficult tasks, but I am confident that they can be accomplished if we maintain resolve. Nothing, however, that happens from this point on can detract from the magnitude of the victory we have achieved.

Had President Clinton heeded the call to negotiate with Milosevic, it would have been a disaster.

Had President Clinton heeded the call to stop the bombing, it would have been a disaster.

Had President Clinton heeded the call to run roughshod over our NATO allies and disregard their wishes, the alliance would have fractured and that, too, would have been a disaster. This place, including Democrats, would have run out from under him faster than I can walk from here to the door of the Chamber. It is remarkable how he was able to keep the alliance together. Most importantly, had President Clinton not stayed the course and achieved this victory, our geopolitical position in North Korea, in Iraq, and in many other parts of the world would have suffered grievously. I ask my colleagues to think about what at this moment Saddam Hussein is thinking. Had we listened to those who said: Cease and desist, partition, stop bombing, negotiate with Milosevic, cut a deal—what do you think would be happening in Baghdad now?

But the President did stay the course, and our magnificent fighting men and women performed in an exemplary way. Because we have succeeded in the military campaign, and because we have the ability to succeed in the civilian reconstruction that will follow, the world has seen that the President of the United States, the American people,, and a united NATO have the will to respond to crises and successfully defend Western values and interests.

I will be taking the floor again many more times in the following weeks on this issue. I know my colleagues are probably tired of my speaking on this. It has been something I have been discussing since 1990. But we are finally finding our sea legs.

I will conclude by saying that in the case of Kosovo and Yugoslavia, American interests are at stake, the cause is just, the means are available, and the will was present. For Lord's sake, let's not now, out of some misguided sense of isolationism or partisanship, do anything other than finalize this victory and secure our interests.

Think about it: the removal from Kosovo of the Serbian troops means, at a minimum, that Slobodan Milosevic's goons will no longer be able to harass, rob, rape, expel, or kill over a million Kosovars. I believe he has lost his ability to overthrow the Montenegrin Government, and certainly to overthrow Macedonia's government and to fundamentally destabilize Albania, Romania, and Bulgaria. This is a significant accomplishment, but most importantly, it demonstrates that not only this President, but also the next President, whether he or she is a Republican or a Democrat, is going to be faced with very hard choices. I respectfully suggest that he or she should not underestimate the will, the grit, the patience, or the common sense of the American people. They know what we did was right.

I was in Macedonia. I have been in the region a half a dozen times. I have also had the displeasure of meeting alone for almost 3 hours with Slobodan Milosevic, at which meeting, in early 1993, he asked what I thought of him. I told him then that I thought he was a damn war criminal and should be tried as such. He looked at me as if I had said, ''Lots of luck in your senior year.'' It did not phase him a bit. Even some of my staff said as we were leaving: You said that to a President of a country.

I said: I don't care. He is a war criminal.

The justification of what we did was best summed up on my last trip a few weeks ago. I was sitting in the airfield outside of Skopje in Macedonia. I walked into a tent where there were about 15 young Americans ranging in age from 18 to 30, all noncommissioned officers. They were the crew that was gathered together from all over the world to make that airfield compatible for our Apache helicopters and for the large C–130s that were flying in with food deliveries.

I walked in, and we started talking. They were taking a break. We were sitting on cots. I thanked them for what they were doing. I said: You know, I am getting a lot of heat back home. Some of my colleagues, including some of my seatmates, refer to this as ''Biden's war.'' Some of my friends are telling me this is another Vietnam. What are you guys—there was actually one woman—what do you all think about that? Do you think this is another Vietnam?

One, I believe a sergeant about 24 years old, looked at me and answered: Senator, let me ask you a question. When you were 24 years old, if they had called you up and sent you here, would you have had any doubt about the justice of what you were doing?

All of a sudden it became clear to me. They had no doubt. Our young fighters have no doubt about the justness of what they have undertaken. They knew it was right. We did the right thing.

I pray to God that we have the courage and the patience and the ability to resist our partisan instincts on both sides and stay the course. Because if we do, we can bend history just a little, but bend it in a way that my grandchildren will not have to wonder about whether or not they will have to fight in Europe in the year 2020 or the year 2025.

I congratulate the Senate for, at the end of the day, every day, having done the right thing in this war. I congratulate the President and his administration for having had the political courage to stay the course. I plead with my colleagues in the House to do the right thing.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

Y2K ACT

The Senate continued with the consideration of the bill.

Mr. DASCHLE. Mr. President, I have to rise to express my frustration with our current circumstances. I have been doing all I could to assure that we could bring this bill to closure.

We agreed to a limited number of amendments. We agreed to time limits on those amendments. We have agreed to try to accelerate the consideration of this bill in every way, shape, and form. Now we are told we cannot have a vote on final passage until Tuesday.

That is totally inexplicable. We have been told over and over and over again this bill is so important and time-sensitive. We have been told it cannot wait. We have been told we cannot take up other legislation because we do not have time.

We have been on this bill for a couple of days. We have addressed every concern Senators have raised. We have offered amendments. We have no reason this bill could not be completed today—no reason at all.

It is very hard for me to understand why, after all of this effort to bring us to this point, to have completed our work on the bill, we cannot bring this bill to closure, we cannot move on to other legislation. There is just no reason for it.

I am very disappointed. It is very hard to ask my colleagues day after day to cooperate, day after day to try to figure out a way to complete work on bills, and then be told: Well, we have changed our mind. We don't want to complete work on a bill. We are going to bump this bill into next week. And, by the way, we are going to make up reasons to have votes.

That is not the way to run the Senate. It is not the way to do business. It makes it very difficult to go back to colleagues and say: Now we have changed our mind again. We are going to try to finish this bill in 2 days. We are going to try to take something else up and work it through, but we want your cooperation.

That is unacceptable. I do not know why we cannot have the final vote. I do not know why we cannot finish the legislation. I do not know why we cannot find a way to resolve all the other outstanding issues there are with regard to this bill this afternoon. We can do it this afternoon. It is only 2 o'clock.

I am told that all we have left only two or three. That is all we have. We are told by the Republicans that there is no more time, that we will not be allowed to go to final passage today.

As I say, it leaves me mystified. I am absolutely puzzled, exasperated. I do not understand. I just wish we had been told, because there have been a lot of other amendments we could have offered on our side had we known we would have all this time. We were told: No. We don't have time. Let's get this bill done, and let's get it to conference.

We are now not going to get to conference—not now, not tomorrow, not until next week.

There is no excuse.

Mr. REID. Will the leader yield for a question?

Mr. DASCHLE. I am happy to yield.

Mr. REID. It is my understanding that we have been pressed on getting this bill to the floor for weeks and weeks; is that not true?

Mr. DASCHLE. The deputy Democratic leader is right. There are absolutely as many references to that in the RECORD as any legislation I know of this year, especially from the other side. The Senator from Connecticut has been so diligent and so arduous in recognizing how important this bill is and urging us to move through this and get it done. He is on the floor. I am sure he would be more than happy to vote on final passage this afternoon, but that will not happen.

Mr. REID. I also ask this question of the leader. We did not oppose the motion to proceed; the minority did not oppose the motion to proceed. But I am of the impression and belief that there are a lot of other things due. The Patients' Bill of Rights, for example, isn't that something that we need to move forward on?

Mr. DASCHLE. We certainly do need to move forward on that. We have suggested 20 amendments on the Patients' Bill of Rights. Recognizing that there could be 60 or 70 amendments, given the way many Senators feel about that important piece of legislation, we have said not 60, not 50, not 40, but 20 amendments, and time limits on those amendments. The answer was, well, there may not be time to do 20 amendments.

Here we are today. We were told that there wasn't time to do 15 amendments on this bill.

I have to give great credit to our ranking member, the manager on our side. He could have filibustered this legislation. I know how he feels about it. He could have been out here making the Senate go through all the hoops. We have talked about this. In the interest of expediting the legislation, moving this through, the Senator graciously has acknowledged that there will be another day. We will work through this in conference. The Senator has said that more than anybody. Ironically, the one man who could have held this thing up for weeks, if not months, is sitting here ready to vote. It is really an irony, it seems to me, that in spite of all the attention about expediting this bill, in spite of all the pressure and all the effort made to express the urgency of getting this done, we sit here this afternoon, at 2 o'clock, waiting for final passage.

Mr. REID. One final question to the leader. We have, as I understand it, about 203 days left until the Y2K date arrives. If we wait now until Tuesday to vote on this, we are going to have less than 200 days to get this legislation passed, to get it to conference, to get it to the President. Each day that goes by, it seems to me, is very critical to the passage of this legislation. Is that not true?

Mr. DASCHLE. That was the whole reason we agreed to be as expeditious as possible. I am going to vote against final passage. I hope a number of my colleagues will join me in doing that. But that doesn't mean I do not want a bill. I have said repeatedly on the Senate floor I want a bill, but I want the right bill. The only way we are going to get to the right bill is to continue to work on it. We are not going to do that this afternoon. We are not going to do that tomorrow. We are not going to do that Monday. We are now going to have to wait until Tuesday. So that just delays for another week the prospects of meaningful compromise and meaningful resolution of the outstanding questions.

Mr. REID. But the leader and other Senators voted for a version of this bill yesterday; is that not true?

Mr. DASCHLE. Absolutely. We voted for a version the President can sign yesterday. He said he would sign it. I am very hopeful he will sign a bill. We can't go through the rest of this year without some resolution to this issue. But it is disappointing to me that we are not in a position to resolve this matter today, this afternoon, so that he can sign the bill.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, the distinguished leader is manifestly correct.

I was told, let's not even have a cloture vote, because looking at this measure, there could be three more cloture votes. And viscerally, not next Tuesday, I hope we do not vote until Tuesday 2001, the way I feel about it. But I entered public service to get some things done. You win some; you lose some. You have to go along.

This is embarrassing to the body. Here we are, the Senate, talking about all the important things to get done and everything else of that kind. So we yield. We talk Senators into not offering their amendments. We finally get time agreements on all of the amendments on this side so no one has been in a proliferation or stretchout or extended debate. We were even forced to vote early last night to make sure we cleared the way to finish this afternoon.

All we have is Senator SESSIONS' amendment and Senator GREGG's amendment, two amendments that could be disposed of in the next hour. In fact, the manager and our chairman, Senator MCCAIN, has been yielding back his time and ready to vote. So it could be less than an hour. By 2:30 this afternoon, we could be finished with the bill.

My question is, why do we want to wait and palaver and waste time and not go on to some of these important measures this afternoon? We are here and we are ready to go.

I thank the minority leader and the whip for their particular comments, because we have been riding all the Senators pretty hard to limit the amendments and to have time agreements. Let's get moving. Senator MCCAIN wanted to move the bill. We said so. I know the Republican screen all week long said they are going to finish this afternoon. I can't understand the change of pace now, to do nothing but talk to each other all afternoon. What a distressing situation this is, and no votes tomorrow and on Monday and just wait until Tuesday.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we continue to attempt to negotiate a way in which to deal with the Boxer amendment in a way that we hope can be worked out, Senators GREGG and SESSIONS then be recognized to offer those amendments, and that the bill be advanced to third reading, substitute the House bill for it and then vote on final passage at 2:15 on Tuesday. We will then begin on Monday, as I have been given to understand it, to do the energy and water appropriations bill, which we may very well be able to complete on Monday.

I do find it interesting that the Senator from South Carolina, who successfully, on two occasions, prevented this current bill from coming up at all by filibusters and saw to it that cloture could not be invoked, is now so anxious to finish it.

We think this is a very good bill. I said yesterday I hoped that it was stronger, but it is the result of negotiations that have involved Members of both parties. To let the country and the industry look at it over the weekend and to allow both sides on the outside of the Senate to communicate their desires to Senators is a highly appropriate method of dealing with the bill. We will soon propound a unanimous consent proposal to the end that I have just described, and we hope that that unanimous consent will be granted.

We will finish most of the debate, I suspect, the debate on all of the amendments to this bill, before this evening, and then go forward with final passage on Tuesday.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, as I understand the Senator from Washington, he has not propounded the request. Listening to the request, this Senator is perfectly willing to go along with every element of it, save and excepting right after the disposition of the Sessions and Gregg amendments, we then vote on final passage.

I don't understand the delay, because those two amendments can easily be handled within the hour. So we can vote early this afternoon and go on with the business of the Senate. We have very important work to do. Yes, I was the one who held it up, but it didn't hold up any consideration of other things, I can tell you that. They immediately kept filing cloture, as they will to other measures. I don't feel badly about that, because it wasn't really a holdup.

When they finally persuaded me they had the votes and they were going to really move with this thing, then I got into a movement disposition and persuaded our colleagues on this side of the aisle to limit their amendments, to give time agreements. Now we are ready to go, and here at the last minute, for no good reason at all, other than the bemusement of the distinguished Senator from Washington, he won't agree to vote when we get through with all amendments, which will be the Sessions and the Gregg amendments. Once they are disposed of, let's go right ahead to final passage.

I yield the floor.

Mr. BYRD addressed the Chair.

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

SENATOR STEVENS' 12,000TH VOTE

Mr. BYRD. Mr. President, last afternoon, Senator STEVENS cast his 12,000th rollcall vote. Many of my colleagues joined in commending Senator STEVENS on this very worthwhile and considerable accomplishment. I was not on the floor at that time. Today, I join in commending Senator STEVENS on having cast his 12,000th vote.

Since arriving in the U.S. Senate on December 24, 1968, Senator STEVENS has worked tirelessly on matters relating to defense and national security. Having served in World War II, as a pilot in the China-Burma-India theater, Senator STEVENS was awarded the Distinguished Flying Cross twice, two air medals, and the Yuan Hai medal awarded by the Republic of China.

He joined the Appropriations Committee on February 23, 1972, and 3 years later he began service on the Defense Appropriations Subcommittee, where he has served continuously since that time, and served with great distinction. Since he became chairman of the Defense Appropriations Subcommittee in 1981, Senator STEVENS has served either as chairman or ranking member of that vitally important subcommittee. As of January 1997, Senator STEVENS assumed additional responsibilities that come with being named chairman of the Committee on Appropriations.

I have worked by his side on many, many occasions on subcommittees, particularly on the Interior Appropriations Subcommittee. I have served with him on matters that have come before the Committee on Appropriations, where I now serve as his ranking

member. In addition, for many years, I have been privileged to have the honor of serving with Senator STEVENS on the Arms Control Observer Group, as well as on the British-American Parliamentary Group.

Senator STEVENS works indefatigably to ensure that his State of Alaska receives appropriate consideration in all matters that come before the Senate. He does that work and does it well. The people of Alaska can be preeminently proud of the service that their Senator, the chairman of the Appropriations Committee of the Senate, performs. He works for Alaska every day, and he works for the Nation every day.

Not only do I consider him one of the most distinguished and one of the most capable Senators with whom I have served in more than 41 years now, I also count him as a dear and trusted friend. I was in the Middle East when TED STEVENS was in the airplane crash in which he lost his wife, and I called him from the plane in which I was flying in the Middle East on that occasion. He was in the hospital. I talked with him and, of course, I was glad that he had survived the tragic accident.

TED STEVENS is a friend who can be always trusted. A handshake with TED STEVENS is his bond, and his word is his bond. I have always found him to be very trustworthy. I have always found him to be very fair, very considerate. He is a gentleman. I think all of my colleagues on my side on the Appropriations Committee treasure their friendship with TED STEVENS. So I congratulate him on his new milestone and what has been and continues to be a most remarkable career in public service.

There are many things about TED STEVENS that we can admire. I admire his spunk. I was saying to someone on my staff today that he would be one whale of a baseball team manager. He would take on all of the umpires if he thought they didn't call the plays right. He sticks up for what he believes. He has the courage of his convictions, and I certainly would not want to be a player on his team in the locker room if I lost a ball game through some error on my part.

He is a hard driver. He works hard every day. He represents his people in the Senate, and he reverences the Senate and, perhaps best of all, he is, as I have already said, a gentleman. He thinks, as I do, that there are some things more important than political party. The U.S. Senate happens to be one of them, as far as I am concerned, and, I believe, as far as he is concerned.

Let me now say that I am extremely proud of TED STEVENS. He is a wonderful family man. He loves his family; he loves his daughter, Lily, and his other children.

Let me close by what I think is an appropriate bit of verse written by William Wordsworth. The title of it is, ''Character of the Happy Warrior.'' I will not read the entire poem, but extracts from it I think will be useful in this regard:

Who is the happy Warrior? Who is he
That every man in arms should wish to be?

* * * * *

'Tis he whose law is reason; who depends
Upon that law as on the best of friends;
Whence, in a state where men are tempted still
To evil for a guard against worse ill,
And what in quality or act is best
Doth seldom on a right foundation rest,
He labors good on good to fix, and owes
To virtue every triumph that he knows:
—Who, if he rise to station of command,
Rises by open means; and there will stand
On honorable terms, or else retire,
And in himself possess his own desire;
Who comprehends his trust, and to the same
Keeps faithful with a singleness of aim;
And therefore does not stoop, nor lie in wait
For wealth, or honors, or for worldly state;

* * * * *

And, through the heat of conflict, keeps the law
In calmness made, and sees what he foresaw;
Or if an unexpected call succeed,
Come when it will, is equal to the need:

* * * * *

'Tis, finally, the Man, who, lifted high,
Conspicuous object in a Nation's eye,
Or left unthought-of in obscurity—
Who, with a toward or untoward lot,
Prosperous or adverse, to his wish or not—
Plays, in the many games of life, that one
Where what be most doth value must be won:
Whom neither shape of danger can dismay,
Nor thought of tender happiness betray;
Who, not content that former worth stand fast,
Looks forward, preserving to the last,
From well to better, daily self-surpassed:
Who, whether praise of him must walk the earth
Forever, and to noble deeds give birth,
Or he must fall, to sleep without his fame,
And leave a dead unprofitable name—
Finds comfort in himself and in his cause;
And, while the mortal mist is gathering, draws
His breath in confidence of Heaven's applause:
This is the happy Warrior; this is He
That every Man in arms should wish to be.

That, Mr. President, in my judgment, is TED STEVENS, ''The Happy Warrior.''

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it is his misfortune, the Senator from Alaska, to not be here on the floor to listen to those eloquent and gracious remarks of the Senator from West Virginia. So I think it falls to me, inadequate as I am, to thank the Senator from West Virginia for those thoughts and to say that it reminds those of us who have not been here quite so long of the magnificence of the personal relationships that are created here by broad-minded Members like the Senator from West Virginia and the Senator from Alaska over the years, even though I suspect that during many of those 12,000 rollcalls—literally thousands of them—they voted on opposite sides, sometimes with views that were very strongly held.

I think it is only the Senator from West Virginia and perhaps the President pro tempore who will cast more votes than Senator STEVENS, who I note now is here, and I would rather he speak for himself.

But I say, Mr. President, through you to the Senator from Alaska, that I was privileged to hear the eloquent remarks about the Senator from Alaska on this occasion that the Senator from West Virginia made. They do great credit to him, and they do equal credit to the Senator who made them.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Washington for his very gracious remarks.

Mr. STEVENS. Mr. President, I am embarrassed.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. My daughter just graduated from high school. We had a little event. They called to tell me that my good friend, the distinguished Senator from West Virginia, was making remarks about my having followed him to this floor for 12,000 times. We have been partners for a long time. I am grateful to the Senator from West Virginia for his comments. I look forward to reading them. I am sad that I was not here to listen to them. But knowing the Senator, I know they were eloquent, and I am proud to be the recipient of his comments.

Thank you.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me thank and join in with the comments made by our distinguished leader, Senator BYRD from West Virginia.

No one knows the history and appreciates the history of the Senate better than Senator BYRD and the compliment thereof. He reminded me, when he talked about the fatal crash that Senator STEVENS was involved in, I had just traveled with Senator STEVENS and his first wife, Annie. We were in Cairo, Egypt, out on the Nile to a conference with Anwar Sadat. We stopped in Madrid. I will never forget it. My wife and Annie took a quick trip, as we were being briefed. There was the purchase of a cut-glass bowl, and Annie Stevens had that in her lap, and that plane went head over heels. It broke Senator STEVENS' arm, and it cost her life, but there was not a crack in the bowl.

I can tell you from the early days when I first got up here in 1966 that I used to hold the hearings for Senator Bob Bartlett up there in Seattle with Dixie Lee Ray and John Lindberg and all on oceanography and what have you, and then go up to Alaska to Point Barrow.

There is no closer friend in the Senate to me than TED STEVENS of Alaska. I am his admirer. I like his fights. Senator BYRD was more tactful about describing it, but I am telling you right

now, when he gets worked up, get out of the way right now, because he is going to get it done one way or the other, and he is not yielding. He has that conviction of conscience that really guides all of us in our service up here.

Over the many years, we visited, we traveled, we worked together, and we have been identified both on the Appropriations Committee and on the Commerce Space Science Transportation Committee. Senator STEVENS long since could have been chairman of that Commerce Space Science Transportation Committee, but he elected to take over at the appropriations level. As a result, Alaska is well served. I can tell you that. It is filled up.

They used to say about my backyard with Mendel Rivers that if he got one more facility, Charleston, SC, was going to sink below the sea. I think second in line for that kind of result would be Alaska as a result of the diligence for the local folks.

I will never forget; we traveled up to Point Barrow. The Natives had erected a cross and a statue to Annie Stevens who was lost in that wreck.

I want to emphasize that more than anything else—of course, his wonderful wife, Catherine, and his daughter, Lily—that he might make 12,000 votes, but he will miss votes, I can tell you, to be there with Lily. In fact, we had planned during the August break to take another survey trip, and he said: Oh no. Lily goes to Stanford then. We have to put it off until later.

You have to admire that about an individual, as busy as we get and as wound up as we get with the important affairs of state, to never forget the personal responsibilities, and the love and that TED has for his family, and, of course, for each of us in the Senate. He is most respectful. He works both sides of the aisle. As a result of that, he is most effective.

I yield the floor.

Y2K ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the distinguished Senator from California is now back on the floor, and we are dealing with her amendment.

There was an extensive effort to reach agreement on a form of that amendment. Regrettably those efforts were not successful. There simply is a significant difference of opinion on the policies that it propounds. I intend to speak for a relatively short period of time in opposition to the amendment. I am certain that the Senator from California would like to speak for her amendment. I know the Senator from Connecticut is here, and I know the Senator from California wishes to speak.

Shortly after that succession is completed, if there is no one else who wishes to participate in the debate, there will be a motion to table the Boxer amendment.

The Boxer amendment requires, as a part of the remediation, that a manufacturer make available to a plaintiff a repair or replacement at cost for any product first introduced after January 1, 1990, and at no charge under the same circumstances for a product first introduced for sale after the end of 1994.

The amendment is overwhelmingly too broad. For example, the Internal Revenue Service allows, at most, 5, and in many cases only 3, years in which to write off the cost of products of this nature, determining that is their useful life. If they are used in a business, therefore, they have been depreciated to a zero value in every case—not every case covered by this matter, but in the vast majority of the cases covered by this amendment.

In many of these cases, under the second subsection, it simply means that the plaintiff is entitled to absolutely free replacement. That computer, if it is a home computer, may long since have been relegated to the attic, unused. Yet the original manufacturer would have to replace it. In many cases, the new parts would not work. A 1990 computer is not very readily upgradeable. It does not have the speed or the memory of a 1999 computer. Y2K problems are probably the least of the problems with which such a manufacturer is faced.

I spoke yesterday on the bill as a whole, the tremendous way in which our lives and technology have been changed by this revolution; 1990 is several generations ago with respect both to hardware and to software. How do we go about doing this? Precisely what products are covered?

We simply have a situation in which the amendment is too broad and missing in specificity. We have an attempt to amend a bill that is designed to discourage litigation and to limit litigation that, if adopted, will significantly increase the amount of litigation and the number of causes of action that would take place without any legislation at all.

In other words, this amendment would create new causes of action that probably do not exist anywhere under present law. Under those circumstances, while we should certainly encourage remediation and fixes, this might well have exactly the opposite impact. We have all kinds of duties listed in here with respect to manufacturers—and to others, for that matter. It is not only unnecessary to add this new duty and this new potential for causes of action, this proposal is 180 degrees in opposition.

Therefore, with regret and sorrow that we were not able to work it out, I must for myself, and I suspect for a majority of the Senate, object to the amendment and trust we will soon have a vote on that subject.

Mrs. BOXER. Mr. President, I thank the Senator from Washington for not moving to table at this time so I have an opportunity to respond to his comments.

I want the Senate to understand those who are supporting this bill came back to this Senator with a suggestion on how I could change the amendment so it would be agreeable to them. We agreed with their changes. We said fine, we are willing to back off a little bit.

Guess what happened? My colleagues on the other side of the aisle still would not accept it.

It is not the Senator from California who was unwilling to make the amendment more workable to the other side. It was the other side who recommended a change. When we said OK, they decided it was still unacceptable.

I don't quite understand it. Now there is going to be a motion to table this amendment.

I see the Senator from Illinois is on the floor. I wanted to make sure he understood we were negotiating to try to reach an agreement. We were offered some changes. Even though we did not think they were perfect, we accepted them. The other side, however, continues to resist.

I don't know whom they checked with, but it was not the consumers, because this is the only proconsumer amendment that I thought had a chance to make it into this bill.

Mr. DURBIN. Will the Senator yield?

Mrs. BOXER. I am happy to yield to the Senator.

Mr. DURBIN. Did I understand the Senator from California to say this was part of the original legislation on this subject, the idea that the businesses which bought the computers and the software that didn't work would at least have some help in repairing it so they could keep their businesses going and not shut down and cost jobs? Is it correct that this was originally part of the proposal?

Mrs. BOXER. The Senator is exactly right.

The proposal I had in the form of this amendment was taken almost verbatim from a bill that was offered by two Republican House Members, CHRIS COX and DAVID DREIER, very good friends of the business community. The concept for my amendment was essentially taken from that bill.

Mr. DURBIN. Will the gentlelady yield?

I think the Senator makes a very good point. The Senator said at various times this is a consumer amendment, this is a probusiness amendment.

Mrs. BOXER. No question.

Mr. DURBIN. We are talking about small and medium-sized businesses, dependent on computers, that discover,

January 2, the year 2000, they have a serious problem.

What the Senator from California is suggesting is, if it is an old computer, one that goes back over 5 years, they would have to pay the cost of whatever the repair; if it has been purchased in the last 5 years—a period of time when everyone generally sensed this problem was coming—the computer company would fix it without charge.

A lot of businesses would retain the ability to keep going, making their products and keeping their people working.

This is not just proconsumer, this is probusiness. It troubles me to see so many business groups lined up against this amendment. It seems to me counterintuitive.

I think what the Senator from California is doing is showing sensitivity that virtually all friends of business should show in this legislation.

Mrs. BOXER. I thank my friend.

I think the amendment pending—which, unfortunately, the other side is going to move to table—is a proconsumer, probusiness, pro-ordinary person amendment. It is a commonsense amendment.

It simply says to the manufacturer, if you have a fix available and you determine you do, then fix the problem. We are only talking about computers that were made in the last 10 years. We are exempting all the rest.

We are not adding an undue burden. There are a lot of good people out there who are making the fixes. We are saying to the rest of business, emulate that, fix the problem, and there will be no lawsuits, no waiting at the courthouse door; you will be able to get your computer back in operation, you will be able to keep your business going and growing.

For some reason, the other side cannot see their way clear to accepting this.

Mr. HOLLINGS. Will the Senator yield?

I want to credit Senator DURBIN for educating this Senator. These fellows have to come over from the House and tell Senators how to act. I never heard ''gentlelady,'' but now I like it.

If the distinguished gentlelady will yield, I have been here since, of course, the beginning of the debate. It has been what they call predatory legalistic, predatory legal practices, lawsuits, racing to the courthouse, running to the courthouse, picking out someone down the line with deep pockets.

The distinguished Senator, as I understand it, is only asking for a fix. The amendment is not asking to race to the courthouse, but to race away from the courthouse.

Mrs. BOXER. Exactly.

Mr. HOLLINGS. Just get a fix.

And now they don't even want to agree on fixing the thing.

Mrs. BOXER. Right.

Mr. HOLLINGS. Maybe if we keep to this debate long enough, they, on the other side of the aisle, will ask us to send money to the poor computer industry. We ought to take up contributions. We have to change the laws for them. All we want to do is get the computer fixed, but now they even oppose that.

Is that the case? Isn't that the amendment, really—to get it fixed? It has nothing to do with bringing a legal proceeding or economic loss or any of that?

Mrs. BOXER. My friend is so right. We do not touch one thing in the underlying bill.

Mr. HOLLINGS. I see. I thank the Senator.

Mrs. BOXER. As it relates to lawsuits, it has the same exact provisions. All we say is, if a manufacturer has a fix available, do the fix. Be a good actor. Be good corporate citizens. Do what most of the fine companies are doing up and down the State of California and throughout the country. They knew this problem was coming, and the good ones have done something about it. This amendment, frankly, was brought to me by the consumer groups. They said: You know, no one is really talking about fixing the problem. They are all talking about legalisms here. It made so much sense to me.

It was brought to me by the consumer groups, taken straight out of the Chris Cox-David Dreier original Y2K legislation. But we cannot even get ourselves here to support this very simple matter.

As a matter of fact, Cox-Dreier went even further than my amendment. Let me tell you what they said. They said, if you do not do the fix and you had the fix, you do not get the protections of the underlying bill. Imagine. DAVID DREIER and CHRIS COX. And when I looked at that, I said, that is a little tough on my computer people; I am not going to go that far. All we say is, if you have a fix and you do not do it, then if you do sue, the judge has to consider all these facts when he or she determines the damages to be awarded, if any.

So here we have a proconsumer amendment. My friends on the other side come back with some changes to it. I say: Fine, I am willing to do it. And they say: Oh, never mind, never mind.

If we vote down this amendment, I say to my friends, there is nothing in this bill, that I see, that does anything for consumers. There is nothing in this bill that helps them. There is nothing in this bill that helps, by the way, the good corporate actors out there who are already doing the right thing. All this is about is protecting the bad actors, the bad folks who are not doing the right thing, who, if they are listening to this debate and if they are smart—and believe me, they are smart—what are they hearing? Hey, if you are really fixing matters now, cool it. Why do it? Why spend any money? Under this underlying bill, you do not have to do a thing.

I am just a normal person here, not a lawyer, OK? Maybe that is part of my problem. They call it a remediation period: 30-day notice. You notify the manufacturer that you have a problem. They have to write back. Good, that is the McCain bill. They have to write back.

Then you have a 60-day remediation period, but nothing is required of you. What are you remediating? We say, if there is a remediation period, let's make that terminology mean something: Remediate. It is a 60-day period. We ought to fix the problem.

The Boxer amendment, supported by Senators DURBIN and HOLLINGS and TORRICELLI and others, simply says let's make the remediation period true to its name.

Mr. DURBIN. Will the Senator yield?

Mrs. BOXER. I am happy to.

Mr. DURBIN. As I look at this legislation which we are considering, the underlying bill, it is hard to argue with it. It starts out saying:

The majority of responsible business enterprises in the United States are committed to working in cooperation with their contracting partners towards the timely and cost-effective resolution of the many technological, business and legal issues associated with the Y2K date change.

That is the first paragraph of this bill. It is a perfect description of the Senator's amendment, because it says responsible businesses will be working to solve problems. In my colleague's situation, she is providing a means of resolving the problem short of going to court. That is what this is all about.

Mrs. BOXER. Exactly.

Mr. DURBIN. So those who are truly interested in the damage done to businesses must really step back and say the BOXER amendment is one that really addresses the damage that businesses will face—repeating, again: These are businesses depending on computers that may shut down because the computer they purchased is not proper, is not ready to deal with the new century.

That is what this legislation, the amendment, is all about: Find a way to help these people stay in business. Responsible businesses dealing with responsible businesses, not racing off to court, not playing with lawyers. I am stunned that at this point the amendment by the Senator from California just has not been adopted. It troubles me when I think about it in the context of the underlying bill.

If the people who are bringing this bill to the floor do not care that much about small and medium-sized businesses that will face the delays, face

the layoffs, because of Y2K problems, this is not a probusiness bill. This is for an elite group of bad actors in an industry who have not done their homework and do not want to be held responsible for their bad conduct. That, to me, is not what we should be doing on the floor of the Senate.

I think the Senator from California, when you take a look at the first paragraph of this bill, really has an amendment that addresses the bottom line.

Mrs. BOXER. I thank my friend.

As we pointed out earlier in this debate, when I hear people get up and talk about the high-tech industry and how great the high-tech industry is, I know it firsthand because I come from Silicon Valley country. I meet these people. I am in awe of them. And they are good. They are good at what they do. The vast majority of them are taking care of this problem. They ought to be encouraged to continue taking care of this problem. We should not reward those who are not taking care of the problem, who are riding along as if they did not know.

I just love that quote from the Apple people. I do not have it here in front of me, but it is something like:

We may not know a lot of things, but we knew the century was ending.

At some point people said, ''Whoops, there is going to be a problem.'' I guarantee it was well before 1990. But I think we are being very careful in this amendment not to place an undue burden on these people. We are saying you can recover your costs from 1990 to 1995; prior to that, you can charge anything you want. We really are being fair in this amendment.

I am stunned we did not get this amendment accepted. I cannot tell you the feeling I have. I am amazed, because when I think about the beginnings of this bill—I remember being excited I was going to be the Chair on the Y2K problem, because I was in line to take that. I asked Senator DODD if he could do it, because it was a tough time for me; I had an election, and I had my regular job. I knew I could not do it justice. I knew this was going to be a problem, and I wanted to make sure we could help consumers fix the problem and we could do it in a way that was fair to business.

The 90-day cooling off period is a good idea, in my opinion. That is why I supported the Kerry bill, and I hope eventually that will be the bill that will become law. But the 90-day cooling off period does not mean you sit there with a fan. That is not my idea of a 90-day cooling off period.

A 90-day cooling off period should be a time for everyone to sit back, see what the problem is, fix it, and remediate the problem.

I have to ask my friend, Senator HOLLINGS, who knows this bill like the back of his hand far better than I do, I keep reading to see what the requirement is in this cooling off period for the businesses. All I come up with, and please correct me if I am mistaken, is that once a company is notified that a consumer has a problem, under this bill, to get the protections of this bill, all that company has to do is write back to the consumer and say: Yes, I got your letter; I am looking at the problem; I don't know what I am going to do, but I will stay in touch with you.

That is my understanding of what you have to do to meet the requirements to be protected by this, essentially, rewrite of the laws of our land. I want to know if I am correct or incorrect.

Mr. HOLLINGS. The distinguished Senator from California is manifestly correct. We all live in a real world, and then what really happens, as we learned from Rosemary Woods, if you want to get rid of evidence, if you want to lay the blame—I am the lawyer for the computer company, and when I am notified about this particular claim and it comes across my desk, let's find out now why this thing really occurred, and if we can put it off and save the company some money on that part made in India, then we will get on to that or we will move it around here.

What that does is it gives them 60 days to prepare all the defenses and even engage in interrogatories and depositions, which you are not allowed to do because you are the one required under this bill to stand back and cool off; whereas, I can come immediately then with my interrogatories and my depositions and pretty well have the case lined up during that 3-month period. Then I will know whether it pays for the company, because I am the lawyer, and I want to stay on it as a lawyer, my game is to save the company money. I say: Look, don't worry about that; we are going to send them to India to try that case and let them keep on making motions, because it is going to cost you $30,000 to fix it.

They just sent a doctor in New Jersey $25,000 as a fix for a purchase he made the year before for only $13,000. That is why it is silent. Everybody knows how they draw up these bills and what really occurs. The company is allowed to engage in all kinds of shenanigans—depositions, interrogatories, prepare defenses—and the poor plaintiff, the injured party, is going out of business; he is losing his customers. He tells his employees: I cannot make this monthly payment. I am not getting any money. I am closing down.

The employees are angry. What the Senator from California has in her bill is just perfect: a fix. That is all we want. Out with the lawyers, in with the fix. That is the Boxer amendment. The way the bill reads, the Senator has it analyzed correctly.

Mrs. BOXER. Basically, what we are saying is the amendment is: Remediate and you will not need to litigate. That is basically this amendment. Remediate and you will not have to litigate. Just fix the problem, and let's get on with our lives.

I want to ask my friend another question. Let's say in this year, today, I am a small businessperson. I run a small travel agency, say, out of my home. I am very computer dependent. I go to a store. I buy a computer. They say it is Y2K compliant; it is not going to be a problem. I have it just a few months, say, 6 months. I wake up on that day and it is down, and it is down the next day, and it is down the next day.

I want to talk about what happens under the McCain bill. What do I do? As I understand it, I write to the company, and I say: I am stunned. I bought it 6 months ago. I spent $15,000 for it, and it isn't working.

Under this bill, as I understand it, if they do not accept this Boxer amendment, which clearly they are not, and if it is not adopted, which it probably will not be, as I understand it, all the company has to do is write back and say: We got your notification; we will stay in touch with you.

Mr. HOLLINGS. Exactly.

Mrs. BOXER. Right? Now they qualify for the special protections under this law. They do not have to fix it. They certainly do not have to fix it for free.

Mr. HOLLINGS. Exactly.

Mrs. BOXER. If they fix it, they can charge more than what the computer costs. My friend has proof of that; does he not?

Mr. HOLLINGS. That is exactly right. That came out at the hearings. Witnesses have attested to it.

Mrs. BOXER. The bottom line is, if we do not adopt this Boxer amendment, then what is in this bill to encourage fixing the problem? This is ironic, because the idea is to stop the litigation, fix the problem, have a cooling off period where we remediate the problem.

DAVID DREIER and CHRIS COX in 1998 understood it. They put it in their bill. My friends on the other side, having indicated they would be inclined to take this amendment with some changes, I agreed to those changes. Yet, we were still unable to reach an agreement.

I am perplexed, I say to my friend. What are we doing here anyway? What is this about? Is this about protecting the consumer? Is this about getting things fixed? Is this about standing proud of the good computer companies that are making the fix?

Mr. HOLLINGS. The last thing a computer purchaser, a user wants to get involved with is law. That is the last thing. That is what they are saying in the bill. The intent of the McCain measure provides you do not get into racing to the courthouse.

The answer to the Senator's question is, that is exactly what is required;

namely, I am a computer purchaser and user and it goes on the blink. I am trying to get in touch with them, and they know the laws. I never heard of the law. They will not hear of it, whatever it is. I have written a letter, and I keep calling, and like the doctor from New Jersey who testified before the Commerce Committee said, he called at 2 weeks, 3 weeks and nothing happened. They like that, because the computer operator and purchaser do not know anything about these special laws and provisions of the McCain measure.

What happens is, it puts them into a bunch of legal loopholes. It actually engages a consumer in a bunch of laws that are unique only to him, and he never has heard of and he is going to have to learn the hard way about putting a letter in, certain days to cool off, then do this, and all these other measures.

Heaven's above, it is so clearly brought out in Senator BOXER's amendment that all we want to do is get the blooming thing fixed and get away. Out with the lawyers and in with the fix. That is what the Senator is saying, but they do not even accept it.

Mrs. BOXER. I know, and I am just completely astounded. I have to believe the people who vote against this amendment may not want to be around here on January 3, or whenever it is we get back. People are going to be calling. They are going to say: We heard all about this Y2K bill; didn't you fix our problem?

Mr. HOLLINGS. No, we created a problem.

Mrs. BOXER. Right. They are going to call up their Senator: Senator so and so, you were proud to stand here for that Y2K bill. What did it do?

I view it as an insult to the good people in the Silicon Valley, to the good people in San Diego, to the good people in Los Angeles who work at this night and day, who knew the century was going to end and took steps to prepare for this day, who are making fixes.

Now what happens? The people who were irresponsible are getting a loud message from this Senate, particularly when they vote down this Boxer amendment: Oh, boy, we did the right thing by not fixing anybody's computer. We did the right thing just to sit back and see what happens. We have been protected by the most deliberative body in the world; they protected us from not doing the right thing.

I just do not get it around here. Sometimes I wonder for whom we are here. I do not get it, because to not have this amendment accepted, the only people you are helping are the people who do not want to make the fix. It is outrageous to me. This amendment is probusiness, it is pro the good businesspeople, the good corporate citizens. I just do not get it. It would reward those who have not done the fixes.

I have run out of arguments. I have a hunch that minds are made up. I don't know how I get that feeling. But I have a feeling that minds are made up on this, that this is going to be tabled. We will have a bill, then, that has not one thing in it for the consumers of this country. I have news for the people who are not going to vote for this: Every single American is a consumer, bottom line. I hope they rethink their position. I was willing to compromise and get a good amendment through, but, unfortunately, the other side could not agree to that. Let's get on with the vote. I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, it constantly amazes me, whether the subject is education or business regulation or computer software, that Members in this Chamber know much more about the subject than do those who are in the business. It is the very companies the Senator from California so praises is doing things right that have felt, in order to concentrate on fixing Y2K problems, rather than having run the gauntlet set for them by trial lawyers, that this legislation is necessary.

It is simply because they prefer to fix the problem in the real world than to face endless litigation that we are here today. That same group of highly responsible organizations thinks this amendment will actually create more litigation, that it ought to be entitled ''The Free Computer Act of 1999,'' because really the only way to make sure you are not sued will be to replace the computer lock, stock, and barrel, even if it is three generations out of date, even if it is in the attic.

So the reasons to oppose this amendment are quite easy to determine. They are that we want the problem fixed, we want the problem fixed in the real world, not for years and years thereafter, after expensive litigation, punitive damages, consequential damages, everything that afflicts our legal system today.

I had hoped we would complete the debate and begin the vote at this point. We have, however, taken too much time. There is now a markup of the Senate Appropriations Committee that involves both me and two of the three other Senators on the floor at the present time. In order to not disrupt that markup, I announce that a motion to table will be made immediately after that Appropriations Committee markup has been concluded.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. 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. WELLSTONE. I ask unanimous consent that I be allowed to speak for 10 minutes as in morning business.

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

Mr. WELLSTONE. I thank the Chair.

THE SETTLEMENT IN KOSOVO

Mr. WELLSTONE. Mr. President, I want to very briefly speak about the settlement in Kosovo. I speak with a sense of relief that we now have moved toward a diplomatic settlement. At the very beginning, I think it was a very difficult vote for all of us as to whether or not to authorize airstrikes. We had pretty close to an equal division of opinion. I voted to do so.

I had hoped that we would be able to stop the slaughter. I thought that it was a certainty that Milosevic would move into Kosovo and people would be slaughtered. We were not able to really do that with airstrikes, not in any way that I had hoped we would be able to, but I do think—and I want to give some credit where credit is due—there are two things that have happened that are very important for the world.

One of them is that Milosevic has been indicted as a war criminal. That is a huge step forward for human rights in the world.

The second thing that has happened is our actions have made it clear that a Milosevic or someone like a Milosevic should not be able to murder people with impunity.

There are many challenges ahead, but I want to just say that as a Senator from Minnesota, I am very pleased that we did put such a focus on trying to reach a diplomatic solution. I would like to especially thank Strobe Talbott for his work. I think it is extremely important now that we meet a number of really tough challenges.

I am not the expert in the Balkans; I do not pretend to be, but I do know this: It is very important that we continue to keep our focus on the humanitarian crisis and make sure the Kosovars can, indeed, go home, the sooner the better.

I think an all-out effort ought to be made to make sure they can go back to their homes. If we are going to do the weatherizing and all the things in the infrastructure for people to have a home to live in, then it is better to do it back in their own country. I hope we can do so. I hope we can move as quickly and as expeditiously as possible.

Second, I think it is going to be real important that all parties to this settlement live up to their word. I think that includes the KLA. There will be an understanding, kind of determination on the part of Kosovars and the KLA for vengeance. Who can blame them? But I do think we have to make sure that we do put an end to this conflict and that the Serbs who live in Kosovo will also be protected and that

somehow we will be able to make sure there is some peace in this region.

Finally, I want to say, as a Senator who supported airstrikes but who worried about some of the focus of our airstrikes, in particular, I thought there was too much of a focus on the civilian infrastructure. I thought and still believe there were opportunities to move forward with diplomacy at an earlier point in time. I always believe that is the first option, always the first option, with military conflict being the last option. I do want to say that I think the President and the administration should be proud of the fact that they have now been able to effect a diplomatic solution and that this solution, indeed, will mean that the Kosovars will be able to go home.

It will mean there will be an international force. It will be a militarized force. There will be a chain of command that makes sense. It is a huge challenge ahead for us. My guess is that we are going to be committed to the Balkans for quite some period of time. I think we should be very realistic about that. I think that we owe that to the Kosovars. We owe it to these people. I think that is part of what our country is about. It looks as if the European countries are going to take up most of the challenge of the economic aid for reconstruction, and I think that is as it should be. I think our part of this international militarized force would be somewhere at 14, 15 percent. But certainly it won't be the United States carrying this alone.

I worry about the landmines. I worry about our military and, for that matter, the men and women from other countries who are trying to do the right thing now, being in harm's way. But to now no longer be involved in airstrikes, to see the Serbs leaving, the slaughter being stopped, the Kosovars now having a chance to go back to their homes and to be protected, I think we are at a much better place than we were. Now I hope and I pray that our country will be able to make a very positive difference in the lives of the Kosovars.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Y2K ACT

The Senate continued with the consideration of the bill.

Mr. HOLLINGS. Mr. President, I just was trying my best to give colleagues a summary of State action on Y2K problems. This is pretty well up to date. Seven States have passed Y2K government immunity legislation; that is, Florida, Georgia, Hawaii, Nevada, Virginia, Oklahoma and Wyoming. Twelve States have killed Y2K government immunity problems: Colorado, Idaho, Illinois, Indiana, Louisiana, Kansas, Mississippi, Montana, New Hampshire, New Mexico, Utah, Washington, and West Virginia. One State has passed the Y2K business immunity bill; that is Texas. Whereas 10 States have killed Y2K business immunity bills: Arizona, Colorado, Connecticut, Florida, Indiana, Iowa, Kansas, Oklahoma, West Virginia and Washington. Two States have killed the bankers immunity bill, originally the year 2000 computer problem: Arizona and Indiana. Two States have killed the Computer Vendors Immunity Bill; that is California and Georgia. One State has killed the bill to limit class action suits; that is Illinois, the distinguished Presiding Officer's State. And 38 States have miscellaneous pending Y2K bills at this time.

I think the distinguished Senator from California wanted to point out an interesting provision in the State of Arizona.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my friend for yielding. I thank his staff for doing just a tremendous job of ferreting out all these various laws.

I have something to tell the Senate that I hope will sway them in favor of the Boxer amendment. In the research that was done by Senator HOLLINGS' staff, we find out that the law in Arizona, which was signed on April 26, Senate bill 1294, includes in it stronger language than the Boxer amendment. I repeat: The Senator from Arizona, whose bill we are debating, cannot agree to the Boxer amendment which simply says if you have a way to fix the problem for the consumer, be they individual or business, then do it. He can't accept that. But in his own State, the law says if you want to take advantage of a particular new set of laws that they have passed to protect these businesses, here is what you have to do. You have to unconditionally offer at no additional cost to the buyer either a repair or remedial measures. If you do not do that, you cannot take advantage of these new laws that will protect business.

Let me put that in a more direct fashion. In the State of Arizona, the State of Senator MCCAIN, who has the underlying bill, a company cannot take advantage of the new Y2K laws, which will help them, unless they have offered to fix the problem. They have to prove that they unconditionally offered at no additional cost to the buyer a repair or other remedial measures.

I want to engage my friend from South Carolina in a little discussion here, ask him a question. Does it not astound the Senator that we have an amendment before us that will not be accepted by the Senator whose own State has a tougher provision than the Boxer provision, that we can't go even halfway toward the State of Arizona law which says in order to take advantage of the new legal system you have to unconditionally offer to fix the problem?

I ask my friend, who is very knowledgeable in this, if this doesn't strike him as being very strange?

Mr. HOLLINGS. This is astounding, because in getting this information up and looking at the glossary of State action, we all say: After all, don't you remember in 1994, the Contract with America, we got the tenth amendment, the best government is that government closest to the people, let us respect the States on down the line. They had all these particular provisions. Here comes an assault with respect to actually killing all the State action and everything else, when they probably had a more deliberate debate than we have had at the local level, and they have all acted.

Here you put in a provision which responds, generally speaking, to the action taken by all the States, and yet they say, no, we know better than the States now and that we are not going to have a fix.

It is astounding to this particular Senator the course this bill has taken. Here I am trying to get a vote. I know my distinguished chairman, Senator MCCAIN, worked like a dog here in the well. He said: I want to make sure we get rid of this thing, and I am working on Senator SESSIONS and Senator GREGG to get these amendments up and have them considered so we can dispose of the bill. So I know he is not the holdup.

The press listens, and they are sending the word down to me that they have a computer software conference or something at the beginning of the week, and they would like to have this as sort of part of the computer software program. You cannot even intelligently debate the thing. It has gotten to be on message so that you have to have the message at the right time.

This is disgraceful conduct on the part of the Senate, if that is the case. I like to cooperate. I went right over to my distinguished friend from Alaska and I said, look, I am trying to get a vote, but I know they are headed to the Paris airshow. If your plane is leaving or whatever it is, I understand. I will yield and let's go ahead then and we will have a Tuesday vote. I was trying to find a reason, a good logical reason. It was logical to me to indulge the needs of my friend from Alaska, because it is an important conference they are going to. He said, no, we don't leave until late this evening. So it wasn't that. Then I asked over here, and it isn't this. It isn't Senator

MCCAIN. I keep going around trying to find out, and here we are trying to agree in order to get the bill passed and they won't agree to agree.

Mrs. BOXER. I say to my friend, I have been on my feet since I think 12:30—about 12, I think.

Mr. HOLLINGS. I asked the Senator to only take 10 minutes, does she remember that?

Mrs. BOXER. Yes.

Mr. HOLLINGS. When the Senator came to the floor, I said, ''Senator, Senator MCCAIN wants to get rid of it, and I do. Will you agree to 20 minutes, 10 to a side? Senator MCCAIN is ready to yield back his 10 minutes.''

Now, that is the way it was at noontime today. Here now, at quarter past 3, we are running around like a dog chasing his tail trying to find out why in the world, when they are having an ice cream party all over the grounds around here, you and I are trying to get the work of the Senate done, and they can't give us a good excuse. When you say, ''All right, I will amend it,'' and you are bound to agree, so we can move on, they say, ''No, no, we don't want to agree to agree.''

Mrs. BOXER. Well, I remember that the Democrats were being criticized and they were saying: You are not letting us get this Y2K bill up for a vote, because we wanted to do—I remember this very clearly—some sensible gun amendment. We were told we were holding up Y2K. We said: We can get those things done. And, thanks to the majority leader, we moved to the juvenile justice bill, and with bipartisan help we got some good, sensible gun amendments through, and we went right to Y2K.

I want to say to my friend, the ranking member on the committee, who has some real problems with the bill—more problems than this Senator has—didn't object to proceeding to the bill. He said: OK, we will proceed. He asked me to please make my case. I said: I will settle for any time agreement. I said I didn't need a vote. I said: Take my amendment. I agreed to the other side's recommendations. Then they said: Oh, we can't do it.

I don't understand why they can't take this amendment. I keep coming back to that. Every time I work my way into my best closing argument, because I think there is going to be a vote—I had my best closing argument at 1:55, because I thought we were voting at 2. Then I had to rev up again at 2:30, and I got another good closing argument. Now they say we are going to have a vote at 3:30. I don't see anybody here yet. I hope they come here, because I think it is important.

The amendment pending before the Senate is a consumer amendment, because it says fix the problem. It is weaker than the consumer amendment that is included in the Arizona law. This is incredible. In the Arizona law, which is a beautiful law, which passed overwhelmingly, they say—and this is important; it defines the affirmative defenses that will be established if you do certain things. You have to do certain things to help people. If you do these things in good faith, you get a little more protection at the courthouse. What are they?

> The defendant has to notify the buyer of the product that the product may manifest a Y2K failure. And the notice shall be supplied by the defendant explaining how the buyer may obtain remedial measures, or providing information on how to repair, replace, upgrade, or update the product. The defendant [meaning the company] has to unconditionally offer, at no additional cost to the buyer, to provide the buyer the repair or the remedial measures.

All we say in the Boxer amendment is, you don't even have to do it for free—only for free if it is the last 5 years. Prior to that, from 1990 to 1995, at cost; before that, you can charge whatever you can get. The Boxer amendment doesn't even say you have to do this to avail yourself of these new laws. It simply says if you don't do it, the judge—if there is a court case—has to take into consideration the fact of these cases. I cannot believe this wasn't accepted in a heartbeat. It is weaker than the Arizona law.

What has become of us here? I don't know. I cannot figure it out. I love high-tech companies, software companies. They are the heart and soul of my State. They are good people. They are good corporate citizens. Most of them—the vast majority—are doing the right thing. They are doing these things already. So whom do we protect in this bill that was so important that we were supposed to rush to it, and now they are not going to vote on it until next week? What happened to all the rhetoric that this is an urgent problem? If we went to the CONGRESSIONAL RECORD, it would be embarrassing for people who were saying, ''Vote next week,'' just a couple of weeks ago, who said, ''This is urgent.'' I heard one of my colleagues on the other side say this is an emergency. I am baffled by it.

So I think what I will do is yield the floor, because I don't know what else I can say to convince my colleagues, who I am sure are listening to every word from their offices, that this amendment is the right thing to do for the people we represent, the people who vote for us.

I am going to tell my friends in the Senate, if you don't vote for this amendment, the phone calls will start coming in on January 1, 2, 3, 4, and 5, saying, ''I thought you took care of Y2K. You had so much fanfare about the bill. What can I do now?''

There will be nothing they can do, because without this Boxer amendment there is no requirement to fix the problem during the remediation period, or ''cooling-off period.'' The only thing required, to repeat myself, is a letter: Oh, yes, I got your letter. I know you have a problem. I will get back to you. That is it. You don't have to do the fix. It doesn't have to be for free. You can do whatever the market will bear, and you get the protections of the bill.

It is not right, my friends. It is not right. We can make it better.

When I go back home and talk to my friends in Silicon Valley and they say, ''Senator why didn't you support the underlying bill?'' I am going to be honest and say, ''This bill is an insult to you; it is an insult to you. It is assuming you are too weak to do the right thing. It is assuming you are a bad corporate actor.''

I can't do that to the people I represent. They are too good, too important, too successful to have this kind of treatment. That is how I see it.

So, again, hope against hope that we will have a change of heart here, and maybe they will take this amendment or try to go back to the offer they gave us a little while ago. Otherwise, I guess we will just have to wait for the motion to table.

I yield the floor.

Mr. HOLLINGS. Mr. President, you learn to study these things. You look closely, and you finally realize what is happening.

I remember an old-time story about the poll tax days and the literacy testing of minorities in order to vote. In South Carolina, a minority came to the poll prepared to vote, and a man presented him with a Chinese newspaper. He says, ''Here, read that.'' He takes the paper and turns it around all kinds of ways, and he says, ''I reads it.'' The man asks him, ''What does it say?'' The minority says, ''It says ain't no poor minority going to vote in South Carolina today.''

They know how to get the message. In turn, I can get this message. This goes right to what is really abused as an expression, ''Kill all the lawyers.'' To Henry VI, Dick Butcher said, ''We have to kill all the lawyers.'' What they were trying to do was foster tyranny, and they knew they could not do it as long as they had lawyers available to look out for the individual and individual rights.

Say I am the lawyer and I have a lot of work. Generally speaking, I am a successful lawyer. And someone comes to me in January or February with a Y2K problem, and I am saying I am not handling those cases, you ought to try to see so-and-so, wherever we can find somebody, because the entire thrust is in order to really get anything done and get a result I know that I am limited. I can't take care of the poor small businessman and the lost customers. I can't take that small businessman and his employees that have had to take temporary leave because his business is down. I can't take care of the other economic damage like the lost advertising which has come about while his

competition takes over. I have to tell him it is the crazy law that they passed up there in Washington. But that is how things are getting controlled whereby you just come in.

So I have to write a letter on your behalf, and after I write that letter, 30 days, then another 60 days is the so-called cooling-off period. Then, if nothing happens, which apparently you tried to get it fixed and nothing has happened, I have to draw pleadings and file and everything else. It all comes down to $5,000 or $10,000 for a computer. I have spent $5,000 of my time and costs, unless you are rich enough to start paying me billable hours. I spend $5,000 for much of my costs and staff and hours of work myself. The most I can do is get you back half of a computer.

It is a no-win situation. They have passed a law in essence not just for rushing to the courtroom or courthouse, as they talk about, but to make sure that nobody wants to handle a case of that kind because there is no way to make an honest recovery to make it partially whole. You just totally lose out.

They know what they are doing when they oppose the bill to get the thing fixed.

That is what I was thinking.

I know with all the State action and the moving forces behind it because I saw it last year. All you have to do is run for reelection and go from town to town and meeting to meeting all over your State. You learn your State. You learn the issues. You learn the opposition. You learn the movements afoot—or the NRA with respect to rifles. You learn about the abortion crowd. You learn about the other groups that have come in now with respect to any and every phase of lawyers.

It is sort of ''kill all the lawyers''—take away, holding up the lawyers for everybody to vote against. But the consumers are the ones who suffer.

The distinguished Senator from California ought to really be commended for finally bringing—after 3 days of debate—this into sharp focus. Lawyers, one way or the other, are not going to be handling these cases. Trial lawyers have bigger cases to handle.

But I can tell you here and now that consumers and small business are going to suffer tremendously.

Almost since I opposed the bill I have felt that it serves them right. Maybe I will prove I was right in the first instance, and maybe they will start sobering up with this intense messianic drive that they have on foot to ''kill all the lawyers.''

That looks good in the polls. That is why we don't do anything about Social Security or campaign finance or budgets or deficits or Patients' Bill of Rights and the important things. But if we can get that poll—and if that poll will show something about the lawyers—then we can get a bill up here, take the time to amend it, and then when we want to cut it off and argue everybody into doing so, and then finally agree that we can all agree and get rid of it, they say no way.

Mrs. BOXER. Will my friend yield for just a moment?

Mr. HOLLINGS. I am glad to yield.

Mrs. BOXER. I appreciate it. I wanted to talk to him about it.

Mr. President, I wonder if I can now send a modified amendment to the desk.

Mr. HOLLINGS. I yield the floor.

AMENDMENT NO. 621, AS MODIFIED

Mrs. BOXER. Mr. President, I send a modified amendment to the desk to replace my own amendment.

The PRESIDING OFFICER. Is there objection to the modification?

The amendment is so modified.

The amendment (No. 621), as modified, is as follows:

In section 7(e) insert at the end the following:

(5) SPECIAL RULE.—

(A) IN GENERAL.—With respect to a defendant that is a manufacturer of a device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data that experienced a Y2K failure, the defendant shall, during the remediation period provided in this subsection—

(i) make a reasonable effort to make available to the plaintiff a repair or replacement, if available, at the actual cost to the manufacturer, for a material defect in a device or other product that was first introduced for sale after January 1, 1990 and before January 1, 1997; and

(ii) make a reasonable effort to make available at no charge to the plaintiff a repair or replacement, if available, for a material defect in a device or other product that was first introduced for sale after December 31, 1996.

(B) DAMAGES.—If a defendant knowingly and purposefully fails to comply with this paragraph, the court shall consider that failure in the award of any damages, including economic loss and punitive damages.

Mrs. BOXER. Is it necessary that the clerk read it, or can I just proceed to explain it?

The PRESIDING OFFICER. It is not necessary to have the clerk report.

Mrs. BOXER. Thank you very much.

I wanted to explain to my friend what I have done to make this even more palatable to the Senate. We are now saying the fix only has to be made to small businesses and individuals.

So we have narrowed the scope of the repair. Now it becomes even easier for the companies to make these repairs. I say to my friend when he talks about this attack on lawyers that I find it very interesting, because I read when Newt Gingrich was in power on the other side of the aisle that they had a poll done. They had a document prepared which everyone was able to see at some point or other. Their pollsters said in order to divert attention from an issue, attack the lawyers. Just take the attention away from what it is about.

In other words, if there is a dangerous product—let's say a crib—we had these before where the slats in the cribs are made in such a way that a child could die because they could fit their head through those cracks and choke to death—divert attention from the product, and say look at that greedy lawyer, he made X million dollars.

What they do not understand is that all of these kinds of cases—we are not talking about personal injuries, because this bill doesn't involve personal injuries. But I am just making the point here that when a lawyer takes on such a case—I want to ask my friend to talk about this because he knows this for a fact—they don't get paid unless there is a recovery in the suit. They put out maybe sometimes years of work and much expense, and they take a chance because they know the company is powerful and big and strong, and by the way, it has many lawyers. So they go to the people to divert attention from the tragedy that occurred. This is what a lot of politicians do, and they say it is all about the lawyers in Washington.

I hope the people of the United States of America know that there is a rule against frivolous lawsuits and that you can't bring a frivolous lawsuit because a judge can throw it out.

In addition, what lawyer would bring a frivolous lawsuit knowing that he or she is going to be out of pocket for all of these expenses and know that they only get paid if it was really an important lawsuit?

There are many lawyers out there who are not good citizens, who are not good corporate citizens, who do not have social conscience, because it is just like any other profession—just like we are talking about the software industry, or in the computer hardware industry. Most of the people are wonderful, and there are some bad actors.

But let us not get to the floor of the Senate and turn these debates into lawyers versus everybody else, because that is not what it is about. It is about making sure that people have their problems resolved. If we start talking about lawyers, it isn't really relevant to real people who are going to deal with this real problem on January 1; they wake up, go to their computer and try to conduct business, and find themselves in deep trouble.

I ask my friend if he would comment.

Mr. HOLLINGS. Mr. President, commenting with respect to the attention that the Senator from California gives to consumers, and the comments made about frivolous lawsuits, I am an expert witness on frivolous lawsuits. I can tell you categorically that the

courts will take care of frivolous lawsuits quickly. You can see it. I could mention some that have been in the news with respect to the computer people very recently.

But the reason I say an expert witness is because I used to bring individual injury suits with respect to the citizenry around my hometown and sometimes in bus cases. I had a good friend who was a professor at the law school when I was there, and thereupon the chairman of the board of the South Carolina Electric and Gas, which operated the city bus transit system, an event I said I had not been involved with, but that is wrong.

These corporate lawyers get really lazy. They get too used to the mahogany walls, the oriental rugs, somebody with a silver pitcher and some young lady to run in and give them a drink of water.

Rushing to the courtroom and trying cases is work. I remember saying to a man named Arthur Williams: I could save you at least $1 million if I were your lawyer. Later on he retained me.

Right to the point: The first or middle of the month of November, what I call the Christmas Club started to develop. Nobody could get on the transit bus who didn't slip on a green pea, get their arm caught on a door, or the door didn't jerk open and they fell and hurt their back.

This is back in the late 1950s when we were trying these cases.

I said we should try these cases. The claims were around $5,000 to $10,000. The settlements were half, $2,500 or $5,000. The lawyers thought they were too important to go to court to try cases.

Let me tell about a lawyer who was willing to try cases. His name was Judge Sirica. He wrote a book. While he was writing that book, he was being driven around Hilton Head by myself.

He looked at me and said: Senator, don't ever appoint a district judge to the Federal bench who hasn't been in the pitch.

I said: Judge, you mean trying cases?

He said: That is right.

He said when he got out of law school he flunked the bar exam three times. When he finally passed that bar exam, he didn't have any clients, he had to go to magistrate court and take what trials he could pick up. He said he got pretty good at it. He said after a few years, Hogan and Hartson asked: Will you come on board and start trying our cases?

It is work. Frivolous cases—they are small cases, some of them without foundation, a lot of them with foundation—but lawyers with this billable hour nonsense have gotten awfully lazy as a profession.

Talk about delays. When lawyers have billable hours, the opposition wants to play golf in the afternoon. We don't have to go to the judge, I will give you a continuance.

You agree, and the poor client is sitting there paying for the billable hours.

In any event, Judge Sirica said when he walked in the first day and listened to the witness, he told counsel to meet him in chambers. This is the first day of trial. When he got them back in chambers, he said: You are lying, and I'm not going to put up with this nonsense in my courtroom. He said: I could tell it from my trial experience. You are starting tomorrow morning, and you are going to bring out the truth, and you are not going to put up with these kinds of witnesses. It is not going to be just a citation and dock your pay. I will put you in jail if you all don't straighten up and start trying the cases in the proper manner.

He said that broke Watergate. To this practitioner, that goes right around to the so-called frivolous cases that all the politicians are running around about. It is work. You don't run to the courthouse.

As I pointed out earlier today, if you filed a case this afternoon, you would be lucky to get a trial in that courtroom in the year 1999, I can tell you that. The civil docket is backed up that much. I don't know of any court that can actually get to trial.

Who uses that? Not the fellow making the motions and paying the expenses and time and the depositions and interrogatories. The corporate billable hour lawyer, he likes that. He keeps a backup. It is to his interest you don't dispose of justice too quickly. All during the year, he has money coming in. He knows he is a winner regardless of what happens to his client.

They are engaged in predatory practices, frivolous lawsuits, and are running to the courthouse.

The Senator from California is rendering a wonderful service. This is about consumers. The amendment of the Senator from California seeks to get us away from the courthouse, get us away from lawyers, get us away from law, get away from legal loopholes, hurdles, and jumps.

The businesses say: Just give me a fix. I have to do business, and I don't want to lose my customers, service, and reputation. So she requires a fix—all for the consumer.

That is what the Senate and the entire Congress has heard.

There is no question, looking at the results at the State level, how they have turned back all of these things, that is why they are coming to Washington after the ''turn backs.'' Look at all of the States that have debated this issue. The only State in the glossary of State action that passed a Y2K business immunities bill, the only State, is the State of Texas.

Mrs. BOXER. Will the Senator yield?

Mr. HOLLINGS. I yield the floor.

Mrs. BOXER. Mr. President, I seek recognition at this time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, it is 3:50. The Senator from Washington was on the floor and said he would be here at 3:30 to table this amendment.

I wonder if the ranking member knows what is going on around here. I was told originally, when I offered my amendment at around the noon hour, we would have a vote at 2 o'clock. Then it was 2:30. Then my friend from Washington State gave me the courtesy of announcing he was not going to allow an up-or-down vote on my amendment; he was going to move to table at 3:30. It is 10 to 4. Have they sent my friend any word?

Mr. HOLLINGS. They have not sent me any word. The press sent me word about the software alliance.

I know the Senator from Arizona, the chairman of our committee, that distinguished Senator, was intent on getting rid of this bill. He told me that early this morning. We got the witnesses lined up, we talked down the witnesses, we made them get the time agreements, and he had an important commitment he made to leave around 12. He tried to extend it to 12:30.

During that half hour he said: I got us down to two amendments. I said: All I know of is the Boxer amendment.

I have now talked Senator TORRICELLI into not presenting his. I hasten to add, I am glad I did not talk Senator BOXER out of her amendment, because it is the only amendment that really brings into issue the matter of consumers we are trying to defend today.

He said: Don't worry. He came back to me twice and said: I have it; I think I worked that out; you go right ahead.

I said: I don't want to vote with you not here.

He said: Go ahead; these commitments have been made.

Everybody knows Senator MCCAIN's position on the bill. We will have to have a conference when it passes. There will be a conference report.

I pressured Senator BOXER and told my colleagues we can vote. Several said: No; we have a lunch hour; let's vote at 2 o'clock. And then 2 o'clock became 2:30, and 2:30 became 3 o'clock, and 3 o'clock became 3:30. Now it is 10 minutes to 4.

I have tried to be diligent in managing the bill and moving the business of the Senate. There is nothing more I can say. I am waiting on the leadership. This is above my pay grade.

We can go ahead and call the roll. I am sure the distinguished staffer on the other side of the aisle is ready to call the roll. He has worked hard. We are all ready.

This is above our pay grade.

Mrs. BOXER. Mr. President, if it is against the pay grade of one of the most senior respected Members in the Senate, the ranking member on the

committee of jurisdiction, clearly it is way above my pay grade.

I get paid to do a job here, and the job is to represent the people of California. Make life better for them, make life easier for them, give them a chance at the American dream, keep their environment beautiful and clean, give them opportunity, fairness. What I am trying to do is take that set of values and apply it to this bill. I do not want them waking up on the morning of January 1, 2000, and finding that their small business just crashed before them and they have no remedy when, in fact, a remedy exists and the manufacturer simply has to make a simple fix.

Again, my breath is taken away when I read the law in Arizona—I might say a Republican State—which says that before any manufacturer could take advantage of the easier rules of the law to defend himself or herself against a claim, they have to do certain things affirmatively, including offering to fix at no cost. In other words, what you say in Arizona is: We are happy to help you, Mr. and Mrs. Businessperson, but it has to be after you have affirmatively tried to fix the Y2K problem.

In the underlying bill, we require very little of a business before they can get to the ''safe harbor,'' if I might use that term broadly, of this bill. What do they have to do? Write a letter:

Dear Friend: I got your letter. I know you have a Y2K problem. I am studying it. I'll get back to you.

Then they qualify for the rest of the benefits of this law. Who does it help? It helps the bad actors. Who does it hurt? The consumers. Why are we doing it? God knows.

We could have done a good bill on this. The amendment I put before you comes from a House bill that was proposed in 1998 by DAVID DREIER and CHRIS COX. This is not some provision written by a liberal Member of Congress. It was written by two Members with 100 percent business records. Why did they put it in the bill? Because I think when they sat down to write the bill that was the object of the original Y2K proposal—a cooling off period, remediation period, get the fix done, stay out of court. I think, if this amendment is taken, if it is approved, I think that will be a good step forward for consumers. If it is not, there is nothing in this bill, in my opinion, that does one thing to cure the problem.

So, it is now 5 minutes to 4. Senator GORTON said he would be back at 3:30 to table the Boxer amendment. I am perplexed at what our plans are here, whether we are just going to not have any more votes today or whether we are just whiling away the time or some Members had to go to some other obligation. I do not know what is happening because I do not have word. All I know is I have been here since 12 o'clock on this amendment. It is a good amendment. I am hoping perhaps no news is good news, I say to my friend. Maybe they are so excited about this amendment they are trying to work it out somehow.

I see Senator LIEBERMAN is here to make some remarks. I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT (NO. 621) AS FURTHER MODIFIED

Mrs. BOXER. Mr. President, if my colleague will yield for just one more minute, I send a modification to the desk to replace the other one that was sent in error.

The PRESIDING OFFICER. Without objection, the amendment is further modified.

The amendment (No. 621), as further modified, is as follows:

In section 7(e) insert at the end the following:

(5) SPECIAL RULE.—

(A) IN GENERAL.—With respect to a defendant that is a manufacturer of a device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data that experienced a Y2K failure, the defendant shall, during the remediation period provided in this subsection—

(i) make available to any small business or noncommercial consumer plaintiff a repair or replacement, if available, at the actual cost to the manufacturer, for a device or other product that was first introduced for sale after January 1, 1990 and before January 1, 1995; and

(ii) make available at no charge to the plaintiff a repair or replacement, if available, for a device or other product that was first introduced for sale after December 31, 1994.

(B) DAMAGES.—If a defendant fails to comply with this paragraph, the court shall consider that failure in the award of any damages, including economic loss and punitive damages.

(C) With respect to this section, a small business is defined as any person whose net worth does not exceed $500,000, or that is an unincorporated business, a partnership, corporation, association, unit of local government, or organization with fewer than 25 full-time employees.

Mr. LIEBERMAN. Mr. President, I see an opportunity here to make a few general comments about the bill as we await the next procedural step. With the Chair's permission, I will proceed with that, which is to say to add my strong support to the underlying bill.

Mr. President, Congress really needs to act to address the probable explosion of litigation over the Y2K problem. It needs to act quickly. This is a problem that has an activating date. It is nothing that will wait for Congress to act. It will be self-starting, self-arriving. Therefore, we must act in preparation for it.

Obviously we are now familiar, if we had not been before this extended debate, with the problem caused by the Y2K bug. Although no one can predict with certainty what will happen at the turning of the year into the new century and the new millennium, there is little doubt that there will be Y2K-caused failures, possibly on a large scale, and that those failures could bring both minor inconveniences and significant disruptions in our lives. This could pose a serious problem for our economy, and if there are widespread failures, it will surely be in all of our interests for American businesses to focus on how they can continue providing the goods and services we all rely on in the face of those disruptions rather than fretting over and financing defense of lawsuits.

Perhaps just as important as the challenge to our economy, the Y2K problem will present a unique challenge to our court system, unique because of the possible volume of litigation throughout the country that will likely result and because that litigation will commence within a span of a few months, potentially flooding the courts with cases and inundating American companies with lawsuits at precisely the time they need to devote their resources to fixing the problem.

So I think it is appropriate for Congress to act now to ensure that our legal system is prepared to deal fairly, efficiently, and effectively with the Y2K problem, to make sure those problems that can be solved short of litigation will be solved that way, to make sure that companies that should be held liable for their actions will be held liable, but to also make sure that the Y2K problem does not just become an opportunity for a few enterprising individuals to profit from what is ultimately frivolous litigation, unfairly wasting the resources of companies that have done nothing wrong, companies large and small, or diverting the resources of companies that should be devoting themselves to keeping our economy going to fixing the problem.

To that end, I was privileged to work with the leadership of the Commerce Committee and the sponsors of this legislation, particularly Senators MCCAIN, WYDEN and DODD, to try to craft a more targeted response to this Y2K problem.

Like many others here, I was actually uncomfortable with the scope, the breadth, and the contents of the initial draft of this legislation because I thought it went beyond dealing with our concerns about the Y2K potential litigation explosion and became a general effort to adopt tort reform. I took those concerns to the bill's sponsors, as others did. Together I found them to be responsive and we worked out those concerns. I am very grateful to them for that.

With the addition of the amendments offered by Senators DODD, WYDEN and others, we have a package now before us that I think we can really be proud

of and with which we can be comfortable because it is one that will help us fairly manage the Y2K litigation while protecting legal rights and due process.

Provisions like the one requiring notice before filing a lawsuit will help save the resources of our court system while giving parties the opportunity to work out their problems before incurring the costs of litigation and the hardening of positions the filing of a lawsuit often brings.

The requirement that defects be material for a class action to be brought will allow recovery for those defects that are of consequence while keeping those with no real injury from using the court system to extort settlements out of companies that have done them no real harm. And the provision in this bill keeping plaintiffs with contractual relationships with defendants from seeking, through tort actions, damages that their contracts do not allow them to get, will make sure that settled business expectations, as expressed in duly negotiated and executed contracts, are honored and that plaintiffs get precisely but not more than the damages they are entitled to under those contracts.

I also think it is important for everyone to recognize that the bill we have before us today is not the bill that was originally introduced, not even the bill that was reported out of the Commerce Committee. Because of the cooperative efforts of Senators MCCAIN, DODD, WYDEN, GORTON, and so many others who are interested in seeing this legislation move forward, this bill has been significantly tailored to meet the urgent problems we may face.

I will conclude by saying that this legislation will not protect wrongdoers or deprive those deserving of compensation. What it will do is make sure that what we have in place is a fair and effective way to resolve Y2K disputes, one that will help make sure we do not compound any problems caused by the Y2K bug, even larger problems caused by unnecessary litigation.

This is good legislation, and I am optimistic that it will soon pass the Senate and that we will, thereby, have dealt with a problem which otherwise would be much larger than it should be.

I thank the Chair, and I yield the floor.

Mr. KERREY addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, I have come to the floor to make a brief statement about the Kosovo situation. I ask unanimous consent that the pending amendment be laid aside so I can speak as in morning business for 10 minutes.

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

KOSOVO

Mr. KERREY. Mr. President, like many Americans, I am very pleased with the recent agreement within the United Nations Security Council on a plan that will end the conflict in Kosovo and achieve NATO's primary objective of returning the people of Kosovo to their homes.

I take this opportunity to join with many others who have spoken on this subject to thank the aircrews and the support personnel of our Air Force, our Navy, and our Marine Corps. These men and women have demonstrated that American airpower can bring change in the course of history. Their dedication to duty and professionalism makes all of us proud.

We have just recently passed the defense appropriations bill, and I had hoped to come to the floor, especially to speak to Nebraskans, who have a big stake in this bill, not just because we are beneficiaries of the security provided to us by the men and women who will benefit from these appropriations, but also because we have significant numbers of people in my State who are part of the effort to keep the United States of America safe.

These laws that we pass—the defense appropriations bill and the defense authorization bill—are not merely words on a piece of paper; these laws are converted into human action. While it is true that men and women have to be well-trained, they need to be patriotic in order to be willing to give up their freedoms to serve the cause of peace and freedom throughout the world. It is also true that the beginning point is the kind of dream that we have in this Senate and in this Congress about the way we want our Nation and our world to be.

Operation Allied Force was very dangerous and very expensive. It is natural for us, at the moment, to want to celebrate a victory. However, I believe we must recognize the hard work is just beginning.

Two immense tasks now confront NATO. The first is to restore a refugee people to their homeland, and the second is to make the Balkan region a modern, democratic, and humane environment in which ethnic cleansing can never again occur. The first task may take a year, given the destruction of homes and farms in Kosovo. The second will take generations and will never occur without democratic change in the Yugoslavian Government.

At the outset of the NATO military action, I expressed my concern about the effect the U.S. commitment to this operation would have on our ability to meet our global security obligations. Only the United States of America has the ability to counter the threats that are posed by Iraq, North Korea, or the proliferation of weapons of mass destruction. The stability of this planet depends on the readiness of the U.S. military, and thus we must avoid squandering our capabilities on missions not vital to U.S. national security.

NATO has committed itself to provide a peace implementation force of 50,000 troops. Of this force, the United States will supply about 7,000 marines and soldiers. While I have concerns about the overcommitment of United States military forces, I am pleased our European allies have stepped forward and pledged to provide the vast majority of the implementation force. We should work to lessen the United States military involvement, with the goal of creating an all-European ground force in Kosovo within a year.

In the meantime, we must be straightforward with the American people. There are risks associated with this mission. This force will be responsible for assisting the Kosovar refugees' return home, disarming the Kosovo Liberation Army, and coping with the myriad issues, such as landmines and booby traps, that will be left behind by the departing Serbian military. American casualties remain a very real possibility.

Out of this conflict, I see reason for us to be optimistic. First, our allies in Europe, led primarily by Britain and Germany, have played a leading role in finding a solution to the conflict. It is in the interest of the Europeans to build a peaceful and stable Balkans. Their effort to find a diplomatic agreement and to provide the majority of the troops to enforce this agreement is a positive sign for the future.

Second, I am pleased with the constructive role that has been played by the Russians. There will not be a lasting Balkan peace without the active participation of Russia. It is my hope the positive atmosphere that has been created between Russia and the West will be carried forward and will reignite the relationship that has suffered over the past few months.

Finally, I hope we have begun to see the future of Balkan stability in a larger context. We cannot continue to fight individual Balkan fires. We must begin to look for preventive measures to avoid the next Balkan conflict before it begins.

The United States and our European allies have not done enough to bring the Balkans into the political and economic structures of Europe. We have not done enough to support the latent forces of democracy that exist in the region.

Our challenge today is to extend to the Balkans the peace and stability that comes from a society based on democratic principles where the rights of all people are protected, a society based on the rule of law where legitimate grievances among people are honestly adjudicated, a society based on free enterprise where commerce is unleashed to create jobs and prosperity.

More than failed diplomacy, Kosovo should have taught us the consequences of failed states. Multiethnic Balkan States are not impossible, but to succeed, they must be free-market democracies.

I believe peace and stability is an achievable goal. First, we must work with prodemocracy forces within the various Balkan States to strengthen the emerging democracies and encourage the transition to democracy.

Second, we must begin a massive reconstruction effort. This project, led by the Europeans, should restore infrastructure damaged in the war, create opportunities for economic development, and establish conditions that will allow for eventual membership in the European Union.

Finally, we should convene a conference of concerned nations that will work together to address the long-term security needs of the Balkans.

Let me state that the objective of building a peaceful and stable Balkans will not be achieved as long as Slobodan Milosevic remains the President of Yugoslavia. A man who has started four wars in this decade, killed and ethnically cleansed hundreds of thousands of civilians, crushed democratic opposition, and presided over the ruination of his country can never guide the kind of political, economic, and social change that will be necessary to rebuild Serbia.

As long as Milosevic remains in power, he is a threat to peace. As long as Milosevic remains in power, the politics of racism and ethnic hatred will prevail. As long as Milosevic remains in power, the West should not prop up his regime by rebuilding Serbia.

In 1996, we missed our opportunity to help prodemocracy forces that gathered in the streets of Belgrade. When the protests began, we hesitated, and Milosevic used the opportunity to consolidate his control by brutally repressing the opposition. Rather than seeing Milosevic as a tyrant and a threat to peace, we saw him as a partner in Bosnia. We should no longer suffer the illusion that Milosevic can be a partner in peace. We should work with the people of Serbia to ensure a quick end to the Milosevic regime.

I believe the end could be near. Over 70 days of NATO airstrikes have loosened Milosevic's grasp on the instruments he uses to control his people. It is my hope the democratic forces in Serbia—with Western assistance—will seize this opportunity to remove him. Only with a new democratic leadership will Serbia begin the process of rejoining the community of nations.

At the end of a military conflict, it is natural to look back and to assess ways in which the use of force could have been avoided. While many will find fault with U.S. diplomacy in the days and months leading up to the initiation of airstrikes, I believe our failure starts a decade before by not working to extend to the Balkans the peaceful democratic revolutions that swept through Eastern Europe.

We must address the problems facing the Balkans by extending the benefits of democracy, or face the prospect of continual ethnic conflict and instability.

In addition to praising the men and women of the aircrews of the Air Force and the Navy and the Marine Corps who fought and flew bravely into great danger, and who deserve a great deal of credit for delivering this success, I offer as well my congratulations and praise to the Commander in Chief, the President of the United States, who held the NATO alliance together, who persevered when there was considerable doubt and criticism not only at home but abroad as well, and who must be given great credit for delivering this successful agreement.

We have just begun the hard work of rebuilding democracy in this region of the world. We should not forget, as I have said in my statement, we have arrived here because we were complacent. We have arrived here because we ignored the call for freedom inside of Serbia, to our eventual peril as a consequence.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Washington.

Y2K ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 621, AS FURTHER MODIFIED

Mr. GORTON. What is the business before the Senate?

The PRESIDING OFFICER. The pending business is the question on the amendment by the Senator from California, as further modified.

Mr. GORTON. I move to table the Boxer 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. 621, as further modified. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Wyoming (Mr. THOMAS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 32, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—66

Abraham	Feinstein	Mack
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Moynihan
Baucus	Gorton	Murkowski
Bayh	Gramm	Nickles
Bennett	Grams	Robb
Bingaman	Grassley	Roberts
Bond	Gregg	Rockefeller
Brownback	Hagel	Roth
Bunning	Hatch	Santorum
Burns	Helms	Sessions
Campbell	Hutchinson	Shelby
Chafee	Hutchison	Smith (NH)
Cochran	Inhofe	Smith (OR)
Collins	Kerry	Snowe
Coverdell	Kohl	Specter
Craig	Kyl	Stevens
Crapo	Landrieu	Thompson
DeWine	Lieberman	Thurmond
Dodd	Lincoln	Voinovich
Domenici	Lott	Warner
Enzi	Lugar	Wyden

NAYS—32

Akaka	Edwards	Leahy
Biden	Feingold	Levin
Boxer	Graham	Mikulski
Breaux	Harkin	Murray
Bryan	Hollings	Reed
Byrd	Inouye	Reid
Cleland	Jeffords	Sarbanes
Conrad	Johnson	Schumer
Daschle	Kennedy	Torricelli
Dorgan	Kerrey	Wellstone
Durbin	Lautenberg	

NOT VOTING—2

McCain	Thomas

The motion was agreed to.

Mr. GORTON. I move to reconsider the vote.

Mr. HOLLINGS. I move to table the motion.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT AGREEMENT

Mr. GORTON. Mr. President, I ask unanimous consent that the only remaining amendments in order to S. 96 be those by Senators SESSIONS, GREGG, and INHOFE, and that following those amendments the bill be advanced to third reading.

I further ask consent that all debate must be concluded today on the Sessions, Gregg, and Inhofe amendments, and if any votes are ordered, they occur in stacked sequence just prior to the passage vote on Tuesday, with 2 minutes for explanation prior to the votes if stacked votes occur.

I further ask that following the reading of the bill for the third time, the Senate then proceed to the House companion bill, H.R. 775, and all after the enacting clause be stricken, the text of S. 96 be inserted, H.R. 775 be read for a third time, and final passage occur at 2:15 p.m. on Tuesday, June 15, or immediately after votes on any of the above amendments if such votes are ordered, with paragraph 4 of rule XII being waived.

I further ask that following the third reading of S. 96, the bill be placed back on the calendar.

Finally, I ask consent that at 11 a.m. on Tuesday, June 15, there be 2 hours equally divided for closing arguments,

and following those remarks the Senate stand in recess until 2:15 p.m. for the weekly party conferences to meet.

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

Mr. GORTON. I want to make a further announcement by direction of the majority leader. There will be no further votes today, and there will be no votes tomorrow. The next vote will take place not earlier than 5:30 p.m. on Monday, and there may, if appropriate at that time, be a vote on final passage of the energy and water appropriations bill.

AMENDMENT NO. 622 TO AMENDMENT NO. 608

(Purpose: To provide regulatory amnesty for defendants, including States and local governments, that are unable to comply with a federally enforceable measurement or reporting requirement because of factors related to a Y2K system failure)

Mr. GORTON. I send an amendment to the desk on behalf of Senator INHOFE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mr. GORTON], for Mr. INHOFE, proposes an amendment numbered 622.

Mr. GORTON. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 11, between lines 22 and 23, insert the following:

(6) APPLICATION TO ACTIONS BROUGHT BY A GOVERNMENTAL ENTITY.—

(1) IN GENERAL.—To the extent provided in this subsection, this Act shall apply to an action brought by a governmental entity described in section 3(1)(C).

(2) DEFINITIONS.—In this subsection:

(A) DEFENDANT.—

(i) IN GENERAL.—The term ''defendant'' includes a State or local government.

(ii) STATE.—The term ''State'' means each of the several States 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.

(iii) LOCAL GOVERNMENT.—The term ''local government'' means—

(I) any county, city, town, township, parish, village, or other general purpose political subdivision of a State; and

(II) any combination of political subdivisions described in subclause (I) recognized by the Secretary of Housing and Urban Development.

(B) Y2K UPSET.—The term ''Y2K upset''—

(i) means an exceptional incident involving temporary noncompliance with applicable federally enforceable measurement or reporting requirements because of factors related to a Y2K failure that are beyond the reasonable control of the defendant charged with compliance; and

(ii) does not include—

(I) noncompliance with applicable federally enforceable requirements that constitutes or would create an imminent threat to public health, safety, or the environment;

(II) noncompliance with applicable federally enforceable requirements that provide for the safety and soundness of the banking or monetary system, including the protection of depositors;

(III) noncompliance to the extent caused by operational error or negligence;

(IV) lack of reasonable preventative maintenance; or

(V) lack of preparedness for Y2K.

(3) CONDITIONS NECESSARY FOR A DEMONSTRATION OF A Y2K UPSET.—A defendant who wishes to establish the affirmative defense of Y2K upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that—

(A) the defendant previously made a good faith effort to effectively remediate Y2K problems;

(B) a Y2K upset occurred as a result of a Y2K system failure or other Y2K emergency;

(C) noncompliance with the applicable federally enforceable measurement or reporting requirement was unavoidable in the face of a Y2K emergency or was intended to prevent the disruption of critical functions or services that could result in the harm of life or property;

(D) upon identification of noncompliance the defendant invoking the defense began immediate actions to remediate any violation of federally enforceable measurement or reporting requirements; and

(E) the defendant submitted notice to the appropriate Federal regulatory authority of a Y2K upset within 72 hours from the time that it became aware of the upset.

(4) GRANT OF A Y2K UPSET DEFENSE.—Subject to the other provisions of this subsection, the Y2K upset defense shall be a complete defense to any action brought as a result of noncompliance with federally enforceable measurement or reporting requirements for any defendant who establishes by a preponderance of the evidence that the conditions set forth in paragraph (3) are met.

(5) LENGTH OF Y2K UPSET.—The maximum allowable length of the Y2K upset shall be not more than 15 days beginning on the date of the upset unless granted specific relief by the appropriate regulatory authority.

(6) VIOLATION OF A Y2K UPSET.—Fraudulent use of the Y2K upset defense provided for in this subsection shall be subject to penalties provided in section 1001 of title 18, United States Code.

(7) EXPIRATION OF DEFENSE.—The Y2K upset defense may not be asserted for a Y2K upset occurring after June 30, 2000.

At the appropriate place, insert the following:

SEC. . CREDIT PROTECTION FROM YEAR 2000 FAILURES.

(a) IN GENERAL.—No person who transacts business on matters directly or indirectly affecting mortgage, credit accounts, banking, or other financial transactions shall cause or permit a foreclosure, default, or other adverse action against any other person as a result of the improper or incorrect transmission or inability to cause transaction to occur, which is caused directly or indirectly by an actual or potential Y2K failure that results in an inability to accurately or timely process any information or data, including data regarding payments and transfers.

(b) SCOPE.—The prohibition of such adverse action to enforce obligations referred to in subsection (a) includes but is not limited to mortgages, contracts, landlord-tenant agreements, consumer credit obligations, utilities, and banking transactions.

(c) ADVERSE CREDIT INFORMATION.—The prohibition on adverse action in subsection (a) includes the entry of any negative credit information to any credit reporting agency, if the negative credit information is due directly or indirectly by an actual or potential disruption of the proper processing of financial responsibilities and information, or the inability of the consumer to cause payments to be made to creditors where such inability is due directly or indirectly to an actual or potential Y2K failure.

(d) ACTIONS MAY RESUME AFTER PROBLEM IS FIXED.—No enforcement or other adverse action prohibited by subsection (a) shall resume until the obligor has a reasonable time after the full restoration of the ability to regularly receive and dispense data necessary to perform the financial transaction required to fulfill the obligation.

(e) SECTION DOES NOT APPLY TO NON-Y2K-RELATED PROBLEMS.—This section shall not affect transactions upon which a default has occurred prior to a Y2K failure that disrupts financial or data transfer operations of either party.

(f) ENFORCEMENT OF OBLIGATIONS MERELY TOLLED.—This section delays but does not prevent the enforcement of financial obligations.

Mr. GORTON. This is the Inhofe amendment referred to in my unanimous consent request. It has to do with amnesty for certain regulatory activities in its first part. The second part was suggested by the distinguished Senator from South Carolina and is designed to assure that no one lose a home through a mortgage or any other similar kind of loss as a result of a Y2K failure or glitch.

The amendment has been cleared on both sides.

Mr. HOLLINGS. I thank the Senator from Washington.

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

The amendment (No. 622) was agreed to.

AMENDMENT NO. 623 TO AMENDMENT NO. 608

(Purpose: To permit evidence of communications with state and federal regulators to be admissible in class action lawsuits)

Mr. SESSIONS. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Alabama [Mr. SESSIONS] proposes an amendment numbered 623.

Mr. SESSIONS. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

At an appropriate place, add the following section:

SEC. . ADMISSIBLE EVIDENCE ULTIMATE ISSUE IN STATE COURTS.

Any party to a Y2K action in a State court in a State that has not adopted a rule of evidence substantially similar to Rule 704 of the Federal Rules of Evidence may introduce in such action evidence that would be admissible if Rule 704 applied in that jurisdiction.

Mr. SESSIONS. Mr. President, this amendment simply provides that rule

704 of the Federal Rules of Evidence, which most States have adopted—as a matter of fact, I think no more than a handful have not adopted Federal Rules of Evidence, and most of those have adopted 704; it happens that the State of Alabama did not adopt rule 704. Particularly with regard to these Y2K cases, I think rule 704 would be an appropriate rule of evidence.

It allows the introductions of analyses and reports by parties to the litigation that would indicate whether or not the entity that is involved had or had not taken adequate steps toward curing the Y2K problem, whether or not they actually have moved in that direction in a sufficient way. It could be the defense or, on the other side, assist the plaintiff.

I think this would be a good amendment and bring Alabama's law and perhaps a handful of other State laws into compliance, into uniformity in this Y2K bill.

We worked hard to have support across the aisle. I thank my colleagues, both Democrats and Republicans, for their courtesy and interest in dealing with this problem. I think we have developed language, after a number of changes, that will leave most people happy. I hope this amendment will be accepted.

I know some Members will want to review this amendment before next week when we have a final vote.

Mr. GORTON. The amendment proposed by the Senator from Alabama certainly seems highly reasonable to me.

He is, however, correct; a number of proponents and opponents have asked for an opportunity to examine the amendment in a little more detail. That is why the unanimous consent agreement deferred final consideration until Monday.

I am reasonably confident it will be accepted by voice vote, and I certainly hope it will.

Mr. SESSIONS. I thank the Senator from Washington, and I thank him for his leadership on this important issue dealing with an economic problem that could place one of America's greatest industries in jeopardy. I believe this is an important piece of legislation.

I thank Senator GORTON for his leadership.

Mr. GREGG. I ask unanimous consent the pending amendment be set aside.

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

AMENDMENT NO. 624 TO AMENDMENT NO. 608

(Purpose: To provide for the suspension of penalties for certain year 2000 failures by small business concerns)

Mr. GREGG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from New Hampshire [Mr. GREGG], for himself and Mr. BOND, proposes an amendment numbered 624.

Mr. GREGG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. SUSPENSION OF PENALTIES FOR CERTAIN YEAR 2000 FAILURES BY SMALL BUSINESS CONCERNS.

(a) DEFINITIONS.—In this section—

(1) the term ''agency'' means any executive agency, as defined in section 105 of title 5, United States Code, that has the authority to impose civil penalties on small business concerns;

(2) the term ''first-time violation'' means a violation by a small business concern of a Federal rule or regulation resulting from a Y2K failure if that Federal rule or regulation had not been violated by that small business concern within the preceding 3 years; and

(3) the term ''small business concern'' has the meaning given such term in section 3 of the Small Business Act (25 U.S.C. 632).

(b) ESTABLISHMENT OF LIAISONS.—Not later than 30 days after the date of enactment of this section each agency shall—

(1) establish a point of contact within the agency to act as a liaison between the agency and small business concerns with respect to problems arising out of Y2K failures and compliance with Federal rules or regulations; and

(2) publish the name and phone number of the point of contact for the agency in the Federal Register.

(c) GENERAL RULE.—Subject to subsections (d) and (e), no agency shall impose any civil money penalty on a small business concern for a first-time violation.

(d) STANDARDS FOR WAIVER.—In order to receive a waiver of civil money penalties from an agency for a first-time violation, a small business concern shall demonstrate that—

(1) the small business concern previously made a good faith effort to effectively remediate Y2K problems;

(2) a first-time violation occurred as a result of the Y2K system failure of the small business concern or other entity, which affected the small business concern's ability to comply with a federal rule or regulation;

(3) the first-time violation was unavoidable in the face of a Y2K system failure or occurred as a result of efforts to prevent the disruption of critical functions or services that could result in harm to life or property;

(4) upon identification of a first-time violation, the small business concern initiated reasonable and timely measures to remediate the violation; and

(5) the small business concern submitted notice to the appropriate agency of the first-time violation within a reasonable time not to exceed 7 business days from the time that the small business concern became aware that a first-time violation had occurred.

(e) EXCEPTIONS.—An agency may impose civil money penalties authorized under Federal law on a small business concern for a first-time violation if the small business concern fails to correct the violation not later than 6 months after initial notification to the agency.

Mr. GREGG. I offer an amendment that ensures that small businesses which are hit with Y2K problems will not be penalized by the Federal Government for activities they are unable to deal with as a result of the Y2K problem.

An overzealous Federal Government bearing down on a small business can be a very serious problem. I know all Members have constituents who have had small businesses that have found the Federal Government to be overbearing.

It would therefore be uniquely ironic and inappropriate if the overzealousness of the Federal Government were to be thrown on top of a situation which a small business had no control over, which would be the failure of their computer system as a result of a Y2K problem. This does not get into the issue of liability, which may be the underlying question in this bill. It doesn't raise the question of whether or not the computer company should be exempt from liability, which I know has been a genuine concern of the Senator from South Carolina. Rather, it simply addresses the need for equity and fairness when we are dealing with small businesses which, through no fault of their own, have suddenly been hit with a Y2K problem and therefore fail to comply with a Federal requirement or Federal regulation and end up getting hit with a huge fine, all of which they had no control over.

This amendment is tightly drafted so a small business cannot use it as an excuse not to meet a Federal obligation or Federal regulation. It does not allow a small business to take the Y2K issue and use it to bootstrap into avoiding an obligation which it has in the area of some Federal regulatory regime. Rather, it is very specific. It says, first off, this must be an incident of a first-time regulatory violation, so no small business which has any sort of track record of violating that Federal regulation could qualify for this exemption. So it has to be a first-time event.

Second, the small business has to prove it made a good-faith effort to remedy the Y2K problem before it got hit with it. So it cannot be a situation where the small business said: I have this Y2K problem coming at me, I have this Federal regulation problem coming at me, I am going to let the Y2K problem occur and then I will say that is my reason for not complying. Small business must have made a good-faith attempt to remedy the Y2K problem.

Third, the Y2K problem cannot be used if the violation was to avoid or resulted from efforts to prevent disruption of a critical function or service.

Fourth, the small business has to demonstrate the actions to remediate the violation were begun when the violation was discovered. So the small business has to show it attempted to address the problem as soon as it realized it had a Y2K problem, and it cannot allow the fact it has a Y2K problem, again, to go unabated and use that

lack of correction of a problem as an excuse for not meeting the obligations of the Federal regulation.

Fifth, that notice was submitted to the appropriate agency when the small business became aware of the violation and therefore knew it had a Y2K problem.

The practical effect of this will be small businesses throughout this country, which are inadvertently and beyond their own capacity to control a hit with a Y2K problem, will not be doubled up with a penalty for not meeting a Federal regulatory requirement that they could not meet as a result of the Y2K problem kicking in.

It is a simple amendment. It is a reasonable amendment. It really does not get into the overall contest that has been generated around this bill which is: Should there be an exemption of liability for manufacturers of the product which creates the Y2K problem? Rather, it is trying to address the innocent bystander who gets hit, that small businessperson who suddenly wakes up, realizes he has a Y2K problem, tries to correct the Y2K problem, can't correct the Y2K problem, and as a result fails to comply with a Federal regulation, and then the Federal Government comes down and hits him with a big fine and there was nothing the small business could do. It gets hit with a double whammy: Its systems go down and they get hit with a fine.

This just goes to civil remedy, to remedies which involve monetary activity, so it does not address issues where a business would be required to remedy through action. An example here might be OSHA. If they had to correct a workplace problem, they would still have to correct the workplace problem whether or not they had the Y2K failure. If they had an environmental problem which required remedial action, such as a change in their water discharge activities, again they would have to meet the remedial action.

All this amendment does, it is very limited in scope, it just goes to the financial liability the company might incur as a result of failing to meet a regulation. It is a proposal which is strongly supported by the small business community. The NFIB is a supporter of this proposal and will be scoring this vote as one of its primary votes as it puts together its assessment of Members of Congress, and their support for small business.

It is a reasonable proposal. I certainly hope it will end up being accepted. In any event, I understand under the unanimous consent agreement which has been generated there will be a vote on it Tuesday.

I yield the floor.

Mr. BOND. Mr. President, I rise today to address the amendment to the Y2K Act sponsored by Senator GREGG and which cosponsored. This is an important amendment that will waive Federal civil money penalties for blameless small businesses that have in good faith attempted to correct their Y2K problems, but find themselves inadvertently in violation of a Federal regulation or rule despite such efforts. Most experts that have studied the Y2K problem agree that regardless of how diligent a business is at fixing its Y2K problems, unknowable difficulties are still likely to arise that may place the operations of such businesses at risk. This amendment will ensure that the government does not further punish small businesses that have attempted to fix their Y2K problems, but are nevertheless placed in financial peril because of these problems.

As chairman of the Senate Committee on small Business, I have paid particular attention to the problems that small businesses are facing regarding the Y2K problem. Small businesses are trying to become Y2K complaint, but face many obstacles in doing so. One of the major obstacles is capital. Small businesses are the most vulnerable sector of our business community, as many of them do not have a significant amount of excess cash flow. Yet, a great number of small businesses are already incurring significant costs to become Y2K compliant. Earlier this year, Congress passed Y2K legislation that I authored to provide small businesses with the means to fix their own computer systems. Even small businesses that take advantage of that program, however, will see decreased cash flow from their efforts to correct Y2K problems.

The last thing, therefore, this government should do is levy civil money penalties on small businesses that find themselves inadvertently confronted with Y2K problems. Many of these businesses will already have had their operations disrupted and may be in danger of going out of business entirely. The Federal Government should not push them over the edge.

This amendment has been carefully crafted so that only those small businesses that are subject to civil money penalties through no fault of their own are granted a waiver. Under this amendment, a small business would only be eligible for a waiver of civil money penalties if it had not violated the applicable rule or regulation in the last 3 years. This provision will help to ensure that businesses that have continuing violations or that have a history of violating Federal rules and regulations will not be let off the hook.

Small businesses must also demonstrate to the government agency levying the penalties that the business had previously made a good faith effort to correct its Y2K problems. We must not provide disincentives to businesses so that they do not fix their Y2K problems now. This amendment does not provide such a disincentive. In addition, to receive relief, a small business must show that the violation of the Federal rule or regulation was unavoidable or occurred as a result of efforts to prevent the disruption of critical functions or services that could result in harm to life or property. The amendment also provides that, upon identification of a violation, the small business concern must have initiated reasonable and timely efforts to correct it. Finally, in order to receive the relief provided by this amendment, a small business must have submitted notice, within seven business days, to the appropriate Federal agency.

What is clear from these requirements is that the amendment will only apply to conscientious small businesses that have tried in good faith to prepare for the Y2K problem and that promptly correct inadvertent violations of a Federal rule or regulation that nevertheless occur as a result of such problem. It is critically important that these innocent victims not be punished by the Federal Government for a problem that confronts us all.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, the Senator from New Hampshire is correct. He has explained his amendment with great clarity. It may or may not be seriously contested. We simply are not going to know that until early next week, so I thank him for his graciousness in waiting for a final decision until then.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. 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. MURKOWSKI. Mr. President, today there are 204 days left before the Y2K problem becomes a concrete reality for any entity throughout the world that has a computer system.

The Y2K issue has been publicized across this nation; sometimes to a greater degree than necessary. Some Americans have even resorted to hoarding food and planning for the end of the world. While no one has a magic answer as to what will happen on the first of the year, enough effort has been made by the public and private sector to ensure that Americans are aware of this issue.

However, I am concerned that under the current version of S. 96, companies may continue sales of non-Y2K compliant products even after enactment of this act without disclosing non-Y2K compliance to consumers. While I strongly support this important piece of legislation, I am concerned that unscrupulous marketers may attempt to deceive consumers by continuing to

sell non-Y2K compliant products. A computer given for a Christmas gift isn't much of a gift when it stops working 7 days later.

Thus I planned to offer an amendment to section 5(b)(3) that would lift the cap on punitive damages for products sold after the date of enactment of this act if the plaintiff could have established by clear and convincing evidence that the defendant knowingly sold non-Y2K compliant products absent a signed waiver from the plaintiff. However, I have agreed to defer to the chairman so that this issue can be best addressed in conference.

Mr. MCCAIN. If I could inquire of my colleague from Alaska how his original amendment would have applied if, for example, a company bought a Y2K-compliant computer server in November 1999, and that server has to interact with other software and networked hardware manufactured by other companies that may or may not be Y2K compliant.

Mr. MURKOWSKI. I thank my friend for his question. My amendment would have imposed liability only if the manufacturer sold a server that was non-Y2K compliant by itself after the date of enactment of this act. My amendment would not apply to a Y2K compliant server that failed due to the non-Y2K compliance of installed software or attached hardware manufactured by other companies.

Mr. MCCAIN. I thank my colleague for his clarification and will be pleased to address his concerns in conference.

Mr. MURKOWSKI. I thank my friend from Arizona for his attention to this issue.

Mr. FEINGOLD. Mr. President, I appreciate all the hard work that has been done on this legislation by my colleagues. I know they are sincere in their concern about the effect of Y2K computer failures and in their desire to do something to encourage solutions to those problems in advance of the end of the year. But this bill is ill-considered and ill-advised. As the Justice Department has noted with respect to original version of this bill, and I think the judgment remains accurate: this bill would be ''by far the most sweeping litigation reform measure ever enacted if it were approved in its current form. The bill makes extraordinarily dramatic changes in both federal procedural and substantive law and in state procedural and substantive law.''

For all the heated rhetoric we have heard on this floor over the past few days, I have not seen evidence that legislation is needed to create incentives for businesses to correct Y2K problems. More importantly, I do not agree that this bill actually creates those incentives. Indeed, I think that in many ways it does just the opposite. It rewards the worst actors with its damages caps and its prohibition of recovery for economic loss, and it may even give incentives to delay corrective action with the cooling off period and the changes in class action rules.

A major concern that I have about this bill is the breathtakingly broad and unprecedented preemption of state law that it contains. I simply do not agree that we should overrule the judgment of state legislatures and judges who have defined the law in their states for traditional contract and tort cases. This bill benefits one class of businesses, those who sell products that may cause Y2K problems, over another class of business, those who buy such products, and individual consumers. It completely disregards whether state lawmakers and judges would reach the same conclusions. I see no reason why Congress should dictate tort and contract law to the states. Protections for injured parties that have been developed through decades of experience are being summarily wiped out by the Congress, on the basis of a very thin record. Mr. President, that is not right.

Another serious problem with this bill has to do with the elimination of joint and several liability in the vast majority of Y2K cases. Mr. Chairman, we all have heard many times the horror story of a poor deep pocket defendant found to be only 1% liable who ends up on the hook for the entire judgment in a tort case. Frankly, I am aware of few actual examples of this phenomenon, but I know it is theoretically possible. A far more frequent occurrence, however, is a case where two or three defendants are found equally liable, but one or more of them is financially insolvent. The real question raised by joint and several versus proportionate liability is who should bear the risk that the full share of damages cannot be collected from one defendant. Who should have the responsibility to identify all potentially liable parties and bring them into the suit? Who should bear the risk that one of the defendants has gone bankrupt? Should it be the innocent plaintiff who the law is supposed to make whole, or a culpable defendant? Mr. President, to me that question is easy to answer. Someone who has done wrong should bear that risk. But states have reached different balances on this question, based on their own experience of decades and decades of tort cases. How is it that we in the Congress all of the sudden became experts on this issue? Where do we get off overriding the judgment of state legislatures on this crucial question of public policy?

Now I recognize that changes to the bill obtained by Senator DODD would limit the effect of the abrogation of joint and several liability in a narrow set of cases involving egregious conduct by defendants or particularly poor plaintiffs. But I don't think this change goes far enough in protecting innocent victims from the harsh reality that sometimes the worst offenders have the least money. Section 6 of this bill eliminates joint and several liability in virtually every Y2K case, and that is wrong.

Let me quote one of the bill's stated purposes from Section 2(b) of the bill—''to establish uniform legal standards that give all businesses and users of technology reasonable incentives to solve Y2K computer date-change problems before they develop.'' But Mr. President, this bill doesn't establish uniform standards. It preempts state law only in one direction—always in favor of defendants and against the interests of the injured party.

As I stated before, I don't agree that uniform standards are needed. I think our state legislatures and judges are due more respect than this bill gives them. But if there is truly a compelling interest in uniformity, then I do not understand why this bill preempts state laws that offer more protection to injured plaintiffs but not those state laws that are less generous to the injured party. Yesterday, we even adopted, without debate, an amendment offered by Senator ALLARD that says specifically that any state law that provides more protection for defendants in Y2K cases than this bill does is not preempted. So preemption is a one-way street here. If you're in a state where the law is moving in the same direction as this bill and cutting back on the damages that can be recovered in a Y2K suit, you're fine, but if your state is going in the wrong direction, you get run over.

Mr. President, that is not fair. And it certainly is not consistent with the bill's stated purpose of providing uniform national standards.

Let me give you one example. About 30 states have no caps on punitive damages. Three other states have caps that are more generous than the caps in this bill. In Y2K cases involving defendants who are small businesses as defined in this bill, those state laws would be preempted. About a dozen states have higher caps on some kind of cases and lower caps on others. This bill would partially preempt those state laws, overriding the balance that the duly elected state legislatures in question decided was fair and just.

Six states do not allow punitive damages in tort cases, and one has caps that are lower than those permitted under this bill. Those states would be allowed to continue to apply the judgments of their legislatures and courts in Y2K cases.

My state of Wisconsin has generally rejected imposing arbitrary caps on punitive damages, instead trusting judges and juries to determine an appropriate punishment for defendants who act in a particularly harmful and intentional or malicious way. The state of Washington, to take an example, has eliminated punitive damages. Why should

the policy decisions of the state of Washington be respected by this Congress more than the policy decisions of Wisconsin—or Pennsylvania, or Arizona, or New York, or the majority of states.

The one-sided tilt of this bill is very troubling. Punitive damages caps of any kind are bad ideas I believe. Remember that in every state punitive damages can be awarded only in cases of intentional or outrageous misconduct. So the protection offered by these caps goes to the very worst Y2K offenders—those who have acted intentionally or maliciously to avoid fixing their Y2K problems. Where is the justice and balance in that?

Mr. President, because I think it's important for the Senate to take every aspect of legislation into account in our debate here on the floor, I have a few more facts I'd like to add—facts about how much money has been donated to the political parties and to candidates by a couple of powerful groups that have a huge stake in this bill.

Now the dollar figures I'm about to cite, keep in mind, are only for the last election cycle, 1997 to 1998. First there's the computer and electronics industry, which gave close to $6 million in PAC and soft money during the last election cycle—$5,772,146 to be exact. And there's also the Association of Trial Lawyers of America, which gave $2,836,350 in PAC and soft money contributions to parties and candidates in 1997 and 1998.

As I said, I cite these figures so that as my colleagues weigh the pros and cons of this bill, they, and the public, are aware of the financial interests that have been brought to bear on the legislation. The lobbying efforts, as we know, have been significant, and so have the campaign contributions. And the public can be excused if it wonders if those contributions have distorted the process by which this bill was crafted.

Mr. President, I am pleased that the Administration has indicated it will veto this bill in its current form. I will support that veto as well as voting against the bill. We need to encourage problem solving and remediation to avoid a disaster on January 1 in the Year 2000. But we don't need to enact this bill. Indeed, while trying to address a supposed litigation explosion, we may well have created an explosion of unfairness to people and businesses who are injured by the negligent or reckless behavior of those who sell non-Y2K compliant products.

MORNING BUSINESS

Mr. GORTON. Mr. President, I ask unanimous consent the Senate now go to a period for morning business with Senators being allowed to speak therein for up to 10 minutes.

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

ASSISTANCE TO THE KOSOVAR ALBANIAN REFUGEES

Mr. CLELAND. Mr. President, I rise today both to pay tribute to and to thank the Government of the Republic of China on Taiwan (ROC) for their recent announcement to provide economic assistance to the Kosovar Albanian refugees. These funds, some $300 million, represent a very generous gift and will prove invaluable to the displaced people of Kosovo by helping them receive the food, shelter and clothing they need to survive in the refugee camps and later, when they return to their homes in Kosovo. Furthermore, the aid from Taiwan will provide emergency medical assistance to the refugees, educational materials for the displaced children and job training for those that need it. The government of the ROC is even making it possible for some refugees to receive short term accommodations and job training in Taiwan while they await the rebuilding of their homes, businesses, schools, and hospitals.

The generosity of the government of the ROC is a tribute to the thoughtfulness and caring of the Taiwanese people and serves as a wonderful example for the entire international community. The current president of Taiwan, Lee Teng-hui, typifies this compassion and I would like to personally thank him and his foreign minister, Jason Hu, who is a good friend of mine, for all they have done not only for the people of Taiwan but not for the people of Kosovo. Only through such generosity and compassion can the people of the Balkans begin to move past the horrors they have experienced over the past few months and build a better future for themselves and their communities.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, June 10, 1999, the federal debt stood at $5,604,848,624,148.74 (Five trillion, six hundred four billion, eight hundred forty-eight million, six hundred twenty-four thousand, one hundred forty-eight dollars and seventy-four cents).

One year ago, June 10, 1998, the federal debt stood at $5,493,570,000,000 (Five trillion, four hundred ninety-three billion, five hundred seventy million).

Five years ago, June 10, 1994, the federal debt stood at $4,601,856,000,000 (Four trillion, six hundred one billion, eight hundred fifty-six million).

Ten years ago, June 10, 1989, the federal debt stood at $2,783,892,000,000 (Two trillion, seven hundred eighty-three billion, eight hundred ninety-two million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,820,956,624,148.74 (Two trillion, eight hundred twenty billion, nine hundred fifty-six million, six hundred twenty-four thousand, one hundred forty-eight dollars and seventy-four cents) during the past 10 years.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

Al 5:15 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that it has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 127. Concurrent resolution permitting the use of the rotunda of the Capitol for a ceremony to present a gold medal on behalf of Congress to Rosa Parks.

MEASURE PLACED ON THE CALENDAR

The following bill was read twice and ordered placed on the calendar:

H.R. 1259. An act to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms.

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–3601. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Maternal and Child Health Program for fiscal year 1996; to the Committee on Finance.

EC–3602. A communication from the Fiscal Assistant Secretary, Department of the Treasury, transmitting, pursuant to law, the March 1999 issue of the ''Treasury Bulletin'' which contains various annual reports; to the Committee on Finance.

EC–3603. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report for 1998 relative to extra billing in the Medicare program; to the Committee on Finance.

EC–3604. A communication from the Administrator, Department of Health and

Human Services, transmitting, pursuant to law, a report relative to the Rural Health Care Transition grant program; to the Committee on Finance.

EC–3605. A communication from the Commissioner, General Services Administration, transmitting, pursuant to law, a report of the status of the National Laboratory Center and the Fire Investigation Research and Education facility; to the Committee on Environment and Public Works.

EC–3606. A communication from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the 1998 annual report on the Preservation of Minority Savings Institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–3607. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report for calendar year 1998; to the Committee on Banking, Housing, and Urban Affairs.

EC–3608. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Upper Guadalupe River; to the Committee on Environment and Public Works.

EC–3609. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-77, ''Children's Defense Fund Equitable Real Property Tax Relief Act of 1999'', to the Committee on Governmental Affairs.

EC–3610. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-76, ''Apostolic Church of Washington, D.C., Equitable Real Property Tax Relief Act of 1999''; to the Committee on Governmental Affairs.

EC–3611. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-70, ''Ben Ali Way Act of 1999''; to the Committee on Governmental Affairs.

EC–3612. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-69, ''Criminal Code and Clarifying Technical Amendments Act of 1999''; to the Committee on Governmental Affairs.

EC–3613. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-75, ''Bethea-Welch Post 7284, Veterans of Foreign Wars, Equitable Real Property Tax Relief Act of 1999''; to the Committee on Governmental Affairs.

EC–3614. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13-78, ''General Obligation Bonds and Bond Anticipation Notes for Fiscal Years 1999-2004 Authorization Act of 1999''; to the Committee on Governmental Affairs.

EC–3615. A communication from the Commissioner, Social Security, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3616. A communication from the Chairman, National Endowmment for the Arts, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3617. A communication from the Chairman, Federal Housing Finance Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3618. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3619. A communication from the Chairman, National Science Board, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3620. A communication from the Executive Director, Interstate Commission on the Potomac River Basin, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1997, through September 30, 1998; to the Committee on Governmental Affairs.

EC–3621. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3622. A communication from the Chairman, Board of Directors, Panama Canal Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3623. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3624. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3625. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3626. A communication from the Attorney General, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3627. A communication from the Chief Executive Officer, Corporation for National Service, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3628. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

EC–3629. A communication from the Secretary of Agriculture, transmitting, pursuant to law, the report of the Office of Inspector General for the period of October 1, 1998, through March 31, 1999; to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–186. A petition from a citizen of the State of Florida relative to Social Security; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURNS, from the Committee on Appropriations, without amendment:

S. 1205. An original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes (Rept. No. 106–74).

By Mr. BENNETT, from the Committee on Appropriations, without amendment:

S. 1206. An original bill making appropriations for the legislative branch excluding House items for the fiscal year ending September 30, 2000, and for other purposes (Rept. No. 106–75).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment and an amendment to the title and with a preamble:

S. Res. 34. A resolution designating the week beginning April 30, 1999, as ''National Youth Fitness Week.''

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 81. A resolution designating the year of 1999 as ''The Year of Safe Drinking Water'' and commemorating the 25th anniversary of the enactment of the Safe Drinking Water Act.

S. Res. 98. A resolution designating the week beginning October 17, 1999, and the week beginning October 15, 2000, as ''National Character Counts Week.''

S. Res. 114. A resolution designating June 22, 1999, as ''National Pediatric AIDS Awareness Day.''

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 606. A bill for the relief of Global Exploration and Development Corporation, Kerr-McGee Corporation, and Kerr-McGee Chemical, LLC (successor to Kerr-McGee Chemical Corporation), and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 21. A joint resolution to designate September 29, 1999, as ''Veterans of Foreign Wars of the United States Day.''

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. ASHCROFT (for himself, Mr. FITZGERALD, Mr. SHELBY, Mr. SCHUMER, Mr. BURNS, Mr. KYL, and Mr. SPECTER):

S. 1199. A bill to require the Secretary of State to report on United States citizens injured or killed by certain terrorist groups; to the Committee on Foreign Relations.

By Ms. SNOWE (for herself, Mr. REID, Mr. WARNER, Mr. TORRICELLI, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. CHAFEE, Ms. MIKULSKI, Mr. SMITH of Oregon, Mrs. BOXER, Mr. SPECTER,

Mr. DURBIN, Mrs. MURRAY, Mr. KERREY, Mr. ROBB, Mr. SCHUMER, Mr. JOHNSON, Mr. LAUTENBERG, Mr. CLELAND, Mr. LEAHY, Mr. HARKIN, Mr. DODD, Mr. KENNEDY, Mr. DASCHLE, Mrs. FEINSTEIN, Mrs. LINCOLN, Mr. INOUYE, Mr. AKAKA, Mr. BAYH, Mr. LIEBERMAN, Mr. WELLSTONE, and Mr. BRYAN):

S. 1200. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER:

S. 1201. A bill to prohibit law enforcement agencies from imposing a waiting period before accepting reports of missing persons between the ages of 18 and 21; to the Committee on the Judiciary.

By Mr. CAMPBELL:

S. 1202. A bill to require a warrant of consent before an inspection of land may be carried out to enforce any law administered by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI (for herself, Mr. FEINGOLD, Mr. DODD, Mrs. MURRAY, and Mrs. LINCOLN) (by request):

S. 1203. A bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act through fiscal year 2004, to establish a National Family Caregiver Support Program, to modernize aging programs and services, to address the need to engage in life course planning, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM:

S. 1204. A bill to promote general and applied research for health promotion and disease prevention among the elderly, to amend title XVIII of the Social Security Act to add preventitive benefits, and for other purposes; to the Committee on Finance.

By Mr. BURNS:

S. 1205. An original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BENNETT:

S. 1206. An original bill making appropriations for the legislative branch excluding House items for the fiscal year ending September 30, 2000, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. KOHL (for himself, Mr. BURNS, and Mr. HAGEL):

S. 1207. A bill to amend the Internal Revenue Code of 1986 to ensure that income averaging for farmers not increase a farmer's liability for the alternative minimum tax; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 1208. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income; to the Committee on Finance.

By Mr. MURKOWSKI (for himself, Mr. STEVENS, and Mr. SANTORUM):

S. 1209. A bill to amend the Internal Revenue Code of 1986 to restore pension limits to equitable levels, and for other purposes; to the Committee on Finance.

By Mr. CHAFEE:

S. 1210. A bill to assist in the conservation of endangered and threatened species of fauna and flora found throughout the world; to the Committee on Foreign Relations.

By Mr. BENNETT:

S. 1211. A bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL:

S. 1212. A bill to restrict United States assistance for certain reconstruction efforts in the Balkans region of Europe to United States-produced articles and services; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself, Mr. CAMPBELL, and Mr. DOMENICI):

S. 1213. A bill to amend the Indian Child Welfare Act of 1978, and for other purposes; to the Committee on Indian Affairs.

By Mr. THOMPSON (for himself, Mr. LEVIN, Mr. VOINOVICH, Mr. ROBB, Mr. COCHRAN, Mrs. LINCOLN, Mr. ENZI, Mr. BREAUX, Mr. ROTH, and Mr. BAYH):

S. 1214. A bill to ensure the liberties of the people by promoting federalism, to protect the reserved powers of the States, to impose accountability for Federal preemption of State and local laws, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. DODD (for himself, Mr. CONRAD, and Mr. LEAHY):

S. 1215. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals; to the Committee on Veterans Affairs.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 1216. A bill to amend the Marine Mammal Protection Act of 1972 to establish a Marine Mammal Rescue Grant Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ASHCROFT (for himself, Mr. SHELBY, Mr. SCHUMER, Mr. BURNS, Mr. KYL, and Mr. SPECTER):

S. Res. 115. A resolution expressing the sense of the Senate regarding United States citizens killed in terrorist attacks in Israel; to the Committee on Foreign Relations.

By Mr. FITZGERALD:

S. Res. 116. A resolution condemning the arrest and detention of 13 Iranian Jews accused of espionage; to the Committee on Foreign Relations..

By Mr. CAMPBELL:

S. Res. 117. A resolution expressing the sense of the Senate regarding the United States share of any reconstruction measures undertaken in the Balkans region of Europe on account of the armed conflict and atrocities that have occurred in the Federal Republic of Yugoslavia since March 24, 1999; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ASHCROFT (for himself, Mr. FITZGERALD, Mr. SHELBY, Mr. SCHUMER, Mr. BURNS, Mr. KYL, and Mr. SPECTER):

S. 1199. A bill to require the Secretary of State to report on United States citizens injured or killed by certain terrorist groups; to the Committee on Foreign Relations.

Mr. ASHCROFT. 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. 1199

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

SECTION 1. REPORT ON TERRORIST ACTIVITY IN WHICH UNITED STATES CITIZENS WERE KILLED AND RELATED MATTERS.

(a) IN GENERAL.—Not later than October 1, 1999, and every 6 months thereafter, the Secretary of State shall prepare and submit a report, with a classified annex as necessary, to the appropriate congressional committees regarding terrorist attacks in Israel, in territory administered by Israel, and in territory administered by the Palestinian Authority. The report shall contain the following information:

(1) A list of formal commitments the Palestinian Authority has made to combat terrorism.

(2) A list of terrorist attacks, occurring between October 1, 1992 and the date of the report, against Israeli or United States citizens in Israel, in territory administered by Israel, or in territory administered by the Palestinian Authority, including—

(A) a list of all citizens of the United States killed or injured in such attacks;

(B) a list of all citizens of Israel killed or injured in such attacks;

(C) the date of each attack, the total number of people killed or injured in each attack, and the name and nationality of each victim;

(D) the person or group claiming responsibility for the attack and where such person or group has found refuge or support;

(E) a list of suspects implicated in each attack and the nationality of each suspect, including information on—

(i) which suspects are in the custody of the Palestinian Authority and which suspects are in the custody of Israel;

(ii) which suspects are still at large in areas controlled by the Palestinian Authority or Israel; and

(iii) the whereabouts (or suspected whereabouts) of suspects implicated in each attack.

(3) Of the suspects implicated in the attacks described in paragraph (2) and detained by Palestinian or Israeli authorities, information on—

(A) the date each suspect was incarcerated;

(B) whether any suspects have been released, the date of such release, whether the Secretary considers the release justified based on the evidence against the suspect, and whether any released suspect was implicated in subsequent acts of terrorism; and

(C) the status of each case pending against a suspect, including information on whether the suspect has been indicted, prosecuted, or convicted by the Palestinian Authority or Israel.

(4) Statistics on the release by the Palestinian Authority of terrorist suspects compared to the release of suspects in other violent crimes.

(5) The policy of the Department of State with respect to offering rewards for information on terrorist suspects, including any determination by the Department of State as to whether a reward should be posted for suspects involved in terrorist attacks in which United States citizens were either killed or injured, and, if not, an explanation of why a reward should not or has not been posted for a particular suspect.

(6) A list of each request by the United States for assistance in investigating terrorist attacks against United States citizens, a list of each request by the United States for the transfer of terrorist suspects from the Palestinian Authority and Israel, and the response to each request from the Palestinian Authority and Israel.

(7) A list of meetings and trips made by United States officials to the Middle East to investigate cases of terrorist attacks in the 7 years preceding the date of the report.

(8) A list of any terrorist suspects or those aiding terrorists who are members of Palestinian police or security forces, the Palestine Liberation Organization, or any Palestinian governing body.

(9) A list of all United States citizens killed or injured in terrorist attacks in Israel or in territory administered by Israel between 1948 and October 1, 1992, and a comprehensive list of all suspects involved in such attacks and their whereabouts.

(10) The amount of compensation the United States has requested for United States citizens, or their families, injured or killed in attacks by terrorists in Israel, in territory administered by Israel, or in territory administered by the Palestine Authority, and, if no compensation has been requested, an explanation of why such requests have not been made.

(b) CONSULTATION WITH OTHER DEPARTMENTS.—The Secretary of State shall, in preparing the report required by this section, consult and coordinate with all other Government officials who have information necessary to complete the report.

(c) INITIAL REPORT.—Except as provided in subsection (a)(9), the initial report filed under this section shall cover the 7 years preceding October 1, 1999.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of this section, the term ''appropriate congressional Committee'' means the Committees on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

By Ms. SNOWE (for herself, Mr. REID, Mr. WARNER, Mr. TORRICELLI, Mr. JEFFORDS, Mr. MOYNIHAN, Mr. CHAFEE, Ms. MILULSKI, Mr. SMITH of Oregon, Mrs. BOXER, Mr. SPECTER, Mr. DURBIN, Mrs. MURRAY, Mr. KERREY, Mr. ROBB, Mr. SCHUMER, Mr. JOHNSON, Mr. LAUTENBERG, Mr. CLELAND, Mr. LEAHY, Mr. HARKIN, Mr. DODD, Mr. KENNEDY, Mr. DASCHLE, Mrs. FEINSTEIN, Mrs. LINCOLN, Mr. INOUYE, Mr. AKAKA, Mr. BAYH, Mr. LIEBERMAN, Mr. WELLSTONE, and Mr. BRYAN):

S. 1200. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Health, Education, Labor, and Pensions.

EQUITY IN PRESCRIPTION INSURANCE AND CONTRACEPTIVE COVERAGE ACT

• Ms. SNOWE. Mr. President, I rise today with my colleague from Nevada, Senator HARRY REID, to reintroduce the Equity in Prescription Insurance and Contraceptive Coverage Act. We are back today, with the support of 30 Members of the Senate, to finish the work we began in the last Congress.

Why are we back again this year? Because the need behind the Equity in Prescription Insurance and Contraceptive Coverage Act has not abated. There are three million unintended pregnancies every year—half of all pregnancies that occur every year in this country. And frighteningly, approximately half of all unintended pregnancies end in abortion.

I am firmly pro-choice and I believe in a woman's right to a safe and legal abortion when she needs this procedure. But I want abortion to be an option that a woman rarely needs. So how do we prevent this? How do we reduce the number of unintended pregnancies?

The safest and most effective means of preventing unintended pregnancies are with prescription contraceptives. And while the vast majority of insurers cover prescription drugs, they treat prescription contraceptives very differently. In fact, half of large group plans exclude coverage of contraceptives. And only one-third cover oral contraceptives—the most popular form of reversible birth control.

When one realizes the insurance ''carve-out'' for these prescriptions and related outpatient treatments, it is no longer a mystery why women spend 68 percent more than men in out-of-pocket health care costs. No woman should have to forgo or rely on inexpensive and less effective contraceptives for purely economic reasons, knowing that she risks an unintended pregnancy.

In last year's Omnibus Appropriations Bill, Congress instructed the health plans participating in the Federal Employees Health Benefit Plan—the largest employer-sponsored health insurance plan in the world—to provide prescription contraceptive coverage if they cover prescription drugs as a part of their benefits package. The protections we afford to Members of Congress, their staff, other federal employees and annuitants, and to the approximately two million women of reproductive age who are participating in FEHBP need to be extended to the rest of the country.

Unfortunately, the lack of contraceptive coverage in health insurance is not news to most women. Countless American women have been shocked to learn that their insurance does not cover contraceptives, one of their most basic health care needs, even though other prescription drugs which are equally valuable to their lives are routinely covered. Less than half—49 percent —of all large-group health care plans cover any contraceptive method at all and only 15 percent cover the five most common reversible birth control methods. HMOs are more likely to cover contraceptives, but only 39 percent cover all five reversible methods. And ironically, 86 percent of large group plans, preferred provider organizations, and HMOs cover sterilization and between 66 and 70 percent of these different plans do cover abortion.

The concept underlying EPICC is simple. This legislation says that if insurers cover prescription drugs and devices, they must also cover FDA-approved prescription contraceptives. And in conjunction with this, EPICC requires health plans which already cover basic health care services to also cover outpatient services related to prescription contraceptives.

The bill does not require insurance companies to cover prescription drugs. What the bill does say is that if insurers cover prescription drugs, they cannot carve prescription contraceptives out of their formularies. And it says that insurers which cover outpatient health care services cannot limit or exclude coverage of the medical and counseling services necessary for effective contraceptive use.

This bill is good health policy. By helping families to adequately space their pregnancies, contraceptives contribute to healthy pregnancies and healthy births, reduce rates of maternal complications, and reduces the possibility of low-birthweight births.

Furthermore, the Equity in Prescription Insurance and Contraceptive Coverage Act makes good economic sense. We know that contraceptives are cost-effective: in the public sector, for every dollar invested in family planning, $4 to $14 is saved in health care and related costs. And all methods of reversible contraceptives are cost-effective when compared to the cost of unintended pregnancy. A sexually active woman who uses no contraception costs the health care provider an average of $3,225 in a given year. The average cost of an uncomplicated vaginal delivery in 1993 was approximately $6,400. And for every 100 women who do not use contraceptives in a given year, 85 percent will become pregnant.

Why do insurance companies exclude prescription contraceptive coverage from their list of covered benefits—especially when they cover other prescription drugs? The tendency of insurance plans to cover sterilization and abortion reflects, in part, their longstanding tendency to cover surgery and treatment over prevention. Sterilization and abortion is also cheaper. But insurers do not feel compelled to cover prescription contraceptives because they know that most women who lack contraceptive coverage will simply pay for them out of pocket. And in order to prevent an unintended pregnancy, a

woman needs to be on some form of birth control for almost 30 years of her life.

The Equity in Prescription Insurance and Contraceptive Coverage Act tells insurance companies that we can no longer tolerate policies that disadvantage women and disadvantage our nation. When our bill is passed, women will finally be assured of equity in prescription drug coverage and health care services. And America's unacceptably high rates of unintended pregnancies and abortions will be reduced in the process.

The philosophy behind the bill is that contraceptives should be treated no differently than any other prescription drug or device. It does not give contraceptives any type of special insurance coverage, but instead seeks to achieve equity of treatment and parity of coverage. For that reason, the bill specifies that if a plan imposes a deductible or cost-sharing requirement on prescription drugs or devices, it can impose the same deductible or cost-sharing requirement on prescription contraception. But it cannot charge a higher cost-sharing requirement or deductible on contraceptives. Outpatient contraceptive services must also be treated similarly to general outpatient health care services.

Time and time again Americans have expressed the desire for their leaders to come together to work on the problems that face us. This bill exemplifies that spirit of cooperation. It crosses some very wide gulfs and makes some very meaningful changes in policy that will benefit countless Americans.

As someone who is pro-choice, I firmly believe that abortions should be safe, legal, and rare. Through this bill, I invite both my pro-choice and pro-life colleagues to join with me in emphasizing the rare.●

Mr. REID. Mr. President, I am proud to introduce today, with Senator SNOWE, the Equity in Prescription and Contraception Coverage Act of 1999. Senator SNOWE and I first introduced this bill in 1997.

The legislation we introduce today would require insurers, HMO's and employee health benefit plans that offer prescription drug benefits to cover contraceptive drugs and devices approved by the FDA. Further, it would require these insurers to cover outpatient contraceptive services if a plan covers other outpatient services. Lastly, it would prohibit the imposition of copays and deductibles for prescription contraceptives or outpatient services that are greater than those for other prescription drugs.

I hope that we have the success this year that we had last year in directing the Federal Health Benefit Plans to cover contraception. As many of you recall, after a tough fight, Congresswoman LOWEY and I were able to amend the Treasury Postal Appropriations bill so that Federal Health Plans must cover FDA approved contraceptives.

EPICC is about equality for women, healthy mothers and babies, and reducing the number of abortions that are performed in this country each year. For all the advances women have made, they still earn 74 cents for every dollar a man makes and on top of that, they pay 68 percent more in out of pocket costs for health care than men. Reproductive health care services account for much of this 68 percent difference. You can be sure, if men had to pay for contraceptive drugs and devices, the insurance industry would cover them.

The health industry has done a poor job of responding to women's health needs. According to a study done by the Alan Guttmacher Institute, 49 percent of all large-group health care plans do not routinely cover any contraceptive method at all, and only 15 percent cover all five of the most common contraceptive methods.

Women are forced to use disposable income to pay for family planning services not covered by their health insurance—''the pill'' one of the most common birth control methods, can cost over $300 a year. Women who lack disposable income are forced to use less reliable methods of contraception and risk an unintended pregnancy.

If our bill was only about equality in health care coverage between men and women, that would be reason enough to pass it. But our legislation also provides the means to reduce abortions, and have healthier mothers and babies. Each year approximately 3 million pregnancies, or 50 percent of all pregnancies, in this country are unintended. Of these unintended pregnancies, about half end in abortion.

Reliable family planning methods must be made available if we wish to reduce this disturbing number.

Ironically, abortion is routinely covered by 66 percent of indemnity plans, 67 percent of preferred provider organizations, and 70 percent of HMO's. Sterilization and tubal ligation are also routinely covered. It does not make sense financially for insurance companies to cover these more expensive services, rather than contraception. But insurance companies know that women will bear the costs of contraception themselves—and if they can not afford their method of choice, there are always less expensive means to turn to. Of course less expensive also means less reliable.

This just seems like bad business to me. If a woman can not afford effective contraception, and she turns to a less effective method and gets pregnant, that pregnancy will cost the insurance company much more than it would cost them to prevent it. According to one recent study in the American Journal of Public Health, by increasing the number of women who use oral contraceptives by 15 percent, health plans would accrue enough savings in pregnancy care costs to cover oral contraceptives for all users under the plan. Studies indicate that for every dollar of public funds invested in family planning, four to fourteen dollars of public funds is saved in pregnancy and health care-related costs. Not only will a reduction in unintended pregnancies reduce abortion rates, it will also lead to a reduction in low-birth weight, infant mortality and maternal morbidity.

Low birth weight refers to babies who weigh less than 5.5 pounds at birth. How much a baby weighs at birth is directly related to the baby's survival, health and development. In Nevada, during the past decade, the percent of low birth weight babies has increased by 7 percent. These figures are important because women who use contraception and plan for the birth of their baby are more likely to get prenatal care and lead a healthier life style. The infant mortality rate measures the number of babies who die during their first year of life. In Nevada, between the years of 1995 and 1997, the infant mortality rate was 5.9, this means that of the 77,871 babies born during this period, 459 infants died before they reached their first birthday. The National Commission to Prevent Infant Mortality determined that ''infant mortality could be reduced by 10 percent if all women not desiring pregnancy used contraception.''

It is vitally important to the health of our country that quality contraception is not beyond the financial reach of women. Providing access to contraception will bring down the unintended pregnancy rate, insure good reproductive health for women, and reduce the number of abortions. It is a significant step, in my opinion, to have support from both pro-life and pro-choice Senators for this bill. Prevention is the common ground on which we can all stand. Let's begin to attack the problem of unintended pregnancies at its root.

By Mr. SCHUMER:

S. 1201. A bill to prohibit law enforcement agencies from imposing a waiting period before accepting reports of missing persons between the ages of 18 and 21; to the Committee on the Judiciary.

SUZANNE'S LAW

● Mr. SCHUMER. Mr. President, I am introducing legislation today to remedy what I believe is a significant shortcoming in federal law relating to missing person reports. My bill is entitled ''Suzanne's Law,'' to serve as a continuing reminder of the plight of Suzanne Lyall. Suzanne, a resident of Ballston Spa, New York, disappeared last year at age 19 during the course of her senior year at the State University of New York at Albany. All indications are that her disappearance was due to

foul play. She has never been found, despite investigations by campus security, the local police, and the FBI. Suzanne's family, friends and relatives dearly miss her and have undertaken admirable efforts to secure improvements in campus security and in missing person reporting.

The Lyall family has brought it to my attention that federal law currently prohibits state and local law enforcement officials from imposing a 24-hour waiting period before accepting a report regarding the disappearance of a person under the age of 18, yet it does not extend similar protection for reports of missing persons between the ages of 18 and 21. This is an oversight that must be remedied. Prompt action on the part of law enforcement authorities is of the essence in missing person cases. Thus, my bill would prohibit state and local law enforcement officials from imposing a 24-hour waiting period before accepting ''missing youth'' reports—defined as reports indicating that a person of at least 18 years of age and less than 21 years of age was missing under suspicious circumstances. Enactment of this legislation would enhance the prospects for family reunification in missing person cases and may spare other families the pain and sacrifice experienced by the Lyalls.●

By Mr. CAMPBELL:

S. 1202. A bill to require a warrant of consent before an inspection of land may be carried out to enforce any law administered by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

PRIVATE PROPERTY PROTECTION ACT OF 1999

Mr. CAMPBELL. Mr. President, today I introduce the Private Property Protection Act of 1999.

This bill would require that Interior Department personnel obtain either the property owner's permission or a properly attained and legal search warrant before they enter someone's private property.

America's law abiding private property owners, especially our ranchers and farmers, should not be subject to unwarranted trespassing and egregious random searches by federal bureaucrats. They deserve to be treated fairly and according to the law, just like other Americans. They deserve the same private property rights that other Americans enjoy.

Under our legal system, if appropriate sworn law enforcement officers can demonstrate to a judge that there is probable cause to believe that a person has broken the law, and that there is a justified need to enter a property, then those law enforcement officials can obtain a search warrant to enter and search a private property. This is reasonable, just and how it should be. I have a firsthand understanding of this from the time I served as a Deputy Sheriff.

However, all too often our ranchers, farmers and other private property owners are being denied these same basic legal property rights when it comes to federal employees operating under endangered species laws. Interior Department employees are trespassing on private property without the owner's permission or a search warrant. Many of these Interior Department employees who are trespassing have no sworn legal authority whatsoever.

Disturbing incidents of federal agency personnel operating outside of the law, and willfully trespassing on private property without any legal just cause, threatens to erode our fundamental property rights. One particular case that occurred in El Paso County, in my home state of Colorado, stands as a prime example.

A February 5th, 1999 article entitled ''Federal employee pleads no contest to trespassing'' in the AG JOURNAL illustrates this El Paso County case. Last fall, a U.S. Fish and Wildlife Service biologist pleaded no contest to a charge of second degree criminal trespassing. This individual is one of the many thousands employed by the Interior Department, and had no legal basis to be on a private ranch located near Colorado Springs. His sentence included a $138 fine and 30 hours of community service.

I applaud the El Paso County District Attorney's Office for standing up to federal lawyers and pursuing this case to its rightful conclusion. It is a small but important victory for American private property owners. It also illustrates a disturbing ability of some federal employees to act as though they are above the law.

Furthermore, the American taxpayers are picking up the tab for the legal defense of these trespassers. When I inquired with both the Interior Department and the Justice Department as to how much taxpayer money was spent to defend the convicted U.S. Fish and Wildlife Service trespasser, they did not disclose the specific dollar amount. These agencies seem to be sending federal personnel the message: ''Go ahead and trespass on private property. If you get caught, we'll go ahead and fix it because we think that the benefits of trespassing outweigh the costs of getting caught.'' This is not acceptable.

Unfortunately, the El Paso County incident is far from isolated. It is certain that every year, hundreds of private property owners, ranchers and farmers are subject to trespassing by federal employees. We will never know how many trespassing cases go unreported because Americans feel that they can not beat the federal government's bureaucrats and lawyers, and fear that if they do, there may be retribution.

The Colorado Cattlemen's Association has written a letter of support for the Private Property Protection Act of 1999. I appreciate their support for this legislation.

I urge my colleagues to support passage of this legislation.

I ask unanimous consent that the bill and letters of support be printed in the RECORD.

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

S. 1202

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

SECTION 1. INSPECTIONS OF LAND TO ENFORCE LAWS ADMINISTERED BY THE SECRETARY OF THE INTERIOR.

(a) IN GENERAL.—During fiscal year 2000 and each fiscal year thereafter, notwithstanding any law that authorizes any officer or employee of the Department of the Interior to enter private land for the purpose of conducting an inspection or search and seizure for the purpose of enforcing the law, any such officer or employee shall not enter any private land without first obtaining—

(1) a warrant issued by a court of competent jurisdiction; or

(2) the consent of the owner of the land.

(b) VIOLATION AND EMERGENCY EXCEPTION.—An officer or employee of the Department of the Interior may enter private land without meeting the conditions described in subsection (a)—

(1) for the purpose of enforcing the law, if the officer or employee has reason to believe that a violation of law is being committed; or

(2) as required as part of an emergency response being conducted by the Department of the Interior.

COLORADO CATTLEMEN'S ASSOCIATION,
Arvada, CO, May 10, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CAMPBELL: The Colorado Cattlemen's Association (CCA) supports your efforts to amend the Endangered Species Act which limits access to private property by federal government employees or agents thereof, unless by court-issued warrant or the consent of the landowner.

CCA is aware of documented instances in Colorado where Department of Interior employees repeatedly trespassed onto private lands to conduct endangered species surveys. CCA needs your help to halt this practice! We would appreciate your assistance in ensuring that private property rights and trespass laws are obeyed. Thank you for your time and consideration.

Sincerely,

FREEMAN LESTER,
President.

COLORADO FARM BUREAU,
Englewood, CO, May 24, 1999.

Hon. BEN NIGHTHORSE CAMPBELL,
U.S. Senate, Washington, DC.

DEAR SENATOR CAMPBELL: Colorado Farm Bureau strongly supports legislation to require officers or employees of the Department of the Interior to obtain a warrant or consent of the landowner before conducting inspections or search and seizure of private property. While our Bill of Rights contains protection for property owners, the provision is largely ignored in regard to the regulatory actions of the Department of the Interior.

Farm Bureau policy opposes allowing public access to or through private property

without permission of the property owner or authorized agent. We support legislation that requires federal officials to notify property owners and obtain permission before going onto private lands.

Property rights protection for farmers and ranchers is critical to the success of their operations and future well being. Farm Bureau supports your efforts to protect landowners from the Interior Department entering their land without permission or a warrant.

Thank you for your continued support of agriculture.

Sincerely,

ROGER BILL MITCHELL,
President.

By Ms. MIKULSKI (for herself, Mr. FEINGOLD, Mr. DODD, Mrs. MURRAY, and Mrs. LINCOLN) (by request):

S. 1203. A bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act through fiscal year 2004, to establish a National Family Caregiver Support Program, to modernize aging programs and services, to address the need to engage in life course planning, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

OLDER AMERICANS ACT AMENDMENTS OF 1999

● Ms. MIKULSKI. Mr. President, I rise today to introduce the Administration's proposal to reauthorize the Older Americans Act (OAA). The Older Americans Act is a vital program that meets the day-to-day needs of our nation's seniors. Through an aging network that involves 57 state agencies on aging, 660 area agencies on aging, and 27,000 service providers, the OAA provides countless services to our country's older Americans. The OAA was last reauthorized in 1992 and its authorization expired in 1995. The time is long overdue for Congress to reauthorize this program. That is why, as the Ranking Democrat on the Subcommittee on Aging, I am working with the Chairman of the Subcommittee to introduce a bipartisan bill in the Senate to reauthorize the OAA. That's why I am here today to introduce the Administration's plan to reauthorize the Act as a courtesy and to remind my fellow colleagues about the importance of passing an OAA reauthorization bill.

Many Americans have not heard of the Older Americans Act. They've probably heard of Meals on Wheels and maybe they know about the senior center down the street. But our country's seniors who count on the services provided under the Act couldn't do without them. Whether it's congregate or home delivered meals programs, legal assistance, the long-term care ombudsman, information and assistance, or part-time community service jobs for low-income seniors. This Act covers everything from transportation to a doctor's appointment to a hot meal and companionship at a local senior center to elder abuse prevention.

But we're not going to just settle for the status quo. We must make the most of this opportunity to modernize and improve the OAA to meet the needs of seniors. That's why I'm including the National Family Caregiver Support Program in this bill I'm introducing today. Through a partnership between states and area agencies on aging, this program will provide information about resources available to family caregivers; assistance to families in locating services; caregiver counseling, training, and peer support to help them deal with the emotional and physical stresses of caregiving; and respite care. We must get behind our nation's caregivers by helping those who practice self-help. Caregivers often put in a 36 hour day: taking care of the family, pursuing a career, caring for the senior who needs care, and finding the information on care and putting together a support system. We need to support those who are providing this invaluable care.

I want to reauthorize the OAA this year before the new millennium when our population over age 65 will more than double. I'm pleased that our colleagues in the House are moving in this direction as well. I urge my colleagues here in the Senate to act promptly once a bill is voted out of committee and support our nation's seniors by reauthorizing the Older Americans Act.●

By Mr. GRAHAM:

S. 1204. A bill to promote general and applied research for health promotion and disease prevention among the elderly, to amend title XVIII of the Social Security Act to add preventative benefits, and for other purposes; to the Committee on Finance.

HEALTHY SENIORS PROMOTION ACT OF 1999

Mr. GRAHAM. Mr. President, I rise today to announce the introduction of the Healthy Seniors Promotion Act of 1999.

This bill has a clear, simple, yet profoundly important message. That message is, ''Preventive health care for the elderly works.''

Regardless of your age, preventive health care improves quality of life. And despite common misperceptions, declines in health status are not inevitable with age. a healthier lifestyle, even one adopted later in life, can increase active life expectancy and decrease disability.

The Healthy Seniors Promotion Act of 1999 has a broad base of support from across the health care and aging communities, including the National Council on Aging, the American Geriatrics Society, the American Heart Association, the American Council of the Blind, the American College of Preventive Medicine, the National Osteoporosis Foundation, and the Partnership for Prevention.

This bill goes a long way toward changing the fundamental focus of the Medicare program from one that continues to focus on the treatment of illness and disability—a function which is reactionary—to one that is proactive and increases the attention paid to prevention for Medicare beneficiaries.

This bill has 4 main components: First, the bill establishes the healthy Seniors Promotion Program. This program will be spearheaded by an interagency workgroup within the Department of Health and Human Services, including the Health Care Financing Administration, the Centers for Disease Control and Prevention, the Agency for Health Care Policy Research, the National Institute on Aging, and the Administration on Aging.

This working group, first and foremost, will bring together all the agencies within HHS that address the social, medical, and behavioral health issues affecting the elderly, and instructs them to undertake a series of actions which will serve to increase prevention-related services among the elderly.

A major function of this working group will be to oversee the development, monitoring, and evaluation of an applied research initiative whose main goals will be to study: (1) The effectiveness of using different types of providers of care, as well as looking at alternative delivery settings, when delivering health promotion and disease prevention services, and (2) the most effective means of educating Medicare beneficiaries and providers regarding the importance of prevention and to examine ways to improve utilization of existing and future prevention-related services.

Mr. President, this latter point is critical. The fact is that there are a number of prevention-related services available to Medicare beneficiaries today, including mammograms and colorectal cancer screening. But those services are seriously underutilized.

In a study published by Dartmouth University this spring—The Dartmouth Atlas of health Care 1999—it was found that only 28 percent of women age 65–69 receive mammograms and only 12 percent of beneficiaries were screened for colorectal cancer.

These are disturbing figures and they clearly demonstrate the need to find new and better ways to increase the rates of utilization of proven, demonstrated prevention services. Our bill would get us the information we need to increase rates of utilization for these services.

A second major portion of this bill is the coverage of additional preventive services for the Medicare program. The services that I am including focus on some of the most prominent, underlying risk factors for illness that face all Medicare beneficiaries. This bill would include screening for hypertension, counseling for tobacco cessation, screening for glaucoma, and

counseling for hormone replacement therapy. Attacking these prominent risk factors would reduce Medicare beneficiaries' risk for health problems such as stroke, osteoporosis, heart disease, and blindness.

How did we choose these risk factors? We turned to the experts. Based on the recommendations of the U.S. Preventive Services Task Force, these prevention services represent the recommendations of the Task Force which is the nationally recognized body in the area of clinical prevention services.

But simply screening or counseling for a preventive benefit is not enough. For example, to tell a 68-year-old woman that she ought to receive hormone replacement therapy in order to reduce her risk or osteoporosis and bone fractures from falls, and then to tell her you won't pay for the treatment makes no sense.

Since falls and the resulting injuries are among the most serious and common medical problems suffered by the elderly—with nearly 80–90 percent of hip fractures and 60–90 percent of forearm and spine fractures among women 65 and older estimated to be osteoporosis-related—to sit idly by and not take the extra steps needed would be irresponsible.

That is why, Mr. President, we are going the extra mile. The third major section of our bill includes a limited, prevention-related outpatient prescription drug benefit. This benefit directly mirrors the services I just described, plus it provides coverage of outpatient prescription drugs for the preventive services added to the Medicare program as part of the Balanced Budget Act of 1997—e.g., mammograms, diabetes, colorectal cancer.

For example, if a 70-year-old smoker is counseled by his physician to stop smoking, that individual will now have access to all necessary and appropriate outpatient prescription drugs used as part of an approved tobacco cessation program.

By linking counseling and drug treatment, we increase the chances of success tremendously. For example, there is a 60 percent higher survival rate among individuals who quit smoking compared to smokers of all ages. And because the number of older people at risk for cancer and heart disease is higher, tobacco cessation has the potential to have a larger aggregate benefit among older persons.

Our bill also provides outpatient drugs for the treatment of hypertension, hormone replacement therapy, osteoporosis and heart disease, and glaucoma. It also provides coverage of drugs stemming from the preventive services added by the Balanced Budget Act.

While many of my colleagues would prefer to see a Medicare prescription drug benefit that is comprehensive in nature, the facts are that such a benefit is simply not affordable—$20+ billion per year—at this point in time. This bill is a down payment to current and future Medicare beneficiaries and provides them access to prescription drugs that will make a profound impact in their lives.

Important to note, this bill also states that if the Administration moves forward with and prevails in its efforts to sue the tobacco industry for the recovery of funds paid by Federal programs such as Medicare for tobacco-related illness, that half of those funds would be used to add additional categories of drugs to this limited benefit.

This bill would also instruct the Institute of Medicine to conduct a study that would, in part, create a prioritized list of prescription drugs that would be used to add new categories of drugs to the program, if and when, tobacco settlement funds become a reality in the future.

Finally, the bill contains two important studies that will be conducted on a routine, periodic basis.

The first study would require MedPAC to report to Congress every two years on how the Medicare program is, or is not, remaining competitive and modern in relationship to private sector health programs. This will give the Congress [information it doesn't now have] the ability to assess, on an ongoing basis, how Medicare is faring in its efforts to modernize over time.

The second study will again be conducted by the Institute of Medicine. The Institute of Medicine, with input from new, original research on prevention and the elderly that we will be funding through the National Institute on Aging, will conduct a study every 5 years to assess the preventive benefit package, including prescription drugs. The study will determine whether or not the preventive benefit package needs to be modified or changed based on the most current science. A critical component of this study will be the manner in which it is presented to Congress.

To this end, I have borrowed a page from our Nation's international trade laws (The Trade Act of 1974) and developed a fast track proposal for the Institute of Medicine's recommendations. This is a deliberate effort, Mr. President, to finally get Congress out of the business of micro-managing the Medicare program and the medical and health care decisions within it. While limited to the preventive benefits package, this will offer a litmus test on a new and creative approach to future Medicare decision making. This provision would put the substantive decision making authority where it belongs, in the hands of the real experts, not the politicians and not the lobbyists who come to our offices every day. Congress, after some deliberation, would either have to accept or reject the Institute of Medicine's recommendations. A change, in my view, that would be a major, positive change in how we do business in this body.

A few final thoughts. There are many here in Congress who argue that at a time when Medicare faces an uncertain financial future, this is the last time to be adding benefits to a program that can ill afford the benefits it currently offers. Normally I would agree with this assertion. But the issue of prevention is different. The old adage of ''an ounce of prevention is worth a pound of cure'' is very relevant here. Do preventive benefits ''cost'' money in terms of making them available? Sure they do. But the return on the investment, the avoidance of the pound of cure and the related improvement in quality of life is unmistakable.

Along these lines, a longstanding problem facing lawmakers and advocates of prevention has been the position taken by the Congressional Budget Office, as they evaluate the budgetary impact of all legislative proposals, that only costs incurred by the Federal government over the next ten years can be considered in weighing the ''cost'' of adding new benefits. From a public health and quality of life standpoint, this premise is unacceptable.

Among the problems with this practice is that ''savings'' incurred by increasing the availability and utilization of preventive benefits often occur over a period of time greater than 10 years. And with the average lifespan of individuals whom are 65 being nearly 20 years—and individuals 85 and older are the fastest growing segment of the elder population—it only makes sense to look at services and benefits that improve the quality of their lives and reduce the costs to the Federal government for that 20-year lifespan and beyond.

In addition to increased lifespan, a ten-year budget scoring window doesn't factor into consideration the impact of such services on the private sector, such as productivity and absenteeism, for the many seniors that continue working beyond age 65.

The bottom line is, the most important reason to cover preventive services is to improve health. As the end of the century nears, children born now are living nearly 30 years longer than children born in 1900. While prevention services in isolation won't reduce costs, they will moderate increases in the utilization and spending on more expensive acute and chronic treatment services.

I want to leave you with these last thoughts, Mr. President. As Congress considers different ways to reform Medicare, several basic questions regarding preventive services and the elderly must be part of the debate.

(1) Is the value of improve quality of life worth the expenditure?

(2) How important is it for the Medicare population to be able to maintain

healthy, functional and productive lives?

(3) Do we, as a Nation, accept the premise that quality of life for our elderly is as important as any other measure of health?

(4) If we can, in fact, delay the onset of disease for the Medicare population by improving access to preventive services and compliance with these services, how important is it to ensure that there is an overall saving to the system?

These are just some of the questions we must answer in the coming debate over Medicare reform. While improving Medicare's financial outlook for future generations is imperative, we must do it in a way that gives our seniors the ability to live longer, healthier and valued lives. I believe that by pursuing a prevention strategy that addresses some of the most fundamental risk factors for chronic illness and disability that face seniors, we will make an invaluable contribution to the Medicare reform debate and, more importantly, to current and future generations of Medicare beneficiaries.

I urge colleagues to support the Healthy Seniors Promotion Act of 1999.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

PARTNERSHIP FOR PREVENTION,
Washington, DC, June 10, 1999.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: I am writing on behalf of Partnership for Prevention to express support for ''The Healthy Seniors Promotion Act of 1999.'' Partnership is a national non-profit organization committed to increasing the visibility and priority for prevention within national health policy and practice. Its diverse membership includes leading groups in health, business and industry, professional and trade associations.

We believe prevention does work for all ages—a decline in health status is not inevitable with age. A healthier lifestyle adopted later in life can increase active life expectancy and decrease disability. This is the time for greater emphasis on health promotion and disease prevention among older Americans. By delaying the onset of disease, we expect to have a healthier elderly population living longer lives and ultimately embracing Medicare's financial stability.

In this bill, your focus on specific prevention measures is well supported by the existing literature. For individuals over 65, the United States Preventive Services Task Force recommends tobacco cessation counseling with access to appropriate nicotine replacement or other appropriate products to help the individual combat nicotine addiction; hormone replacement therapy and hypertension screening with access to the appropriate drug therapy for both conditions.

A case can be made that dollar for dollar, prevention services offer an invaluable return on the investment for the Medicare eligible population especially when compared to treatment costs. We need more information on these issues and hope to work closely with the Institute of Medicine to determine additional changes to the Medicare system in the future.

I would like to highlight one additional issue. Partnership for Prevention supports using a significant portion of any funds recouped by the Federal Government from the tobacco industry for tobacco control and prevention. Public and private direct expenditures to treat health problems caused by tobacco use total more than $70 billion annually and Medicare pays more than $10 billion of that amount.

Applying a significant portion of this money will decrease tobacco use and reduce the cost to the Medicare program in the future.

Prevention services may moderate increases in health care use and spending. We believe this country should be able to reach a consensus around the importance of maintaining the quality of life and social contribution of our seniors and we applaud your initiative in moving this issue forward.

Sincerely,

WILLIAM L. ROPER, MD, MPH,
Chairman.

AMERICAN HEART ASSOCIATION,
OFFICE OF COMMUNICATIONS AND ADVOCACY,
Washington, DC, June 10, 1999.

Hon. BOB GRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR GRAHAM: The American Heart Association applauds your efforts in the ''Healthy Seniors Promotion Act'' to modernize the Medicare system by addressing both coverage for preventative screening and counseling, as well as access to prescription drugs for senior citizens.

Science continues to demonstrate the effectiveness of preventative care. Because it has not kept pace with the changing science, Medicare is an antiquated system to treat the sick, rather than a modern healthcare system to maintain the health of the elderly. Counseling and drug therapy for smoking cessation, hypertension screening and drug treatment and counseling for hormone replacement therapy are important services that the American Heart Association believes ought to be included in a modern healthcare benefits plan. The association believes that hormone replacement therapy counseling is important because the science related to HRT and cardiovascular risk is still evolving.

As you know, the American Heart Association is dedicated to reducing death and disability from heart disease and stroke. Each year, cardiovascular disease claims more than 950,000 lives. In 1999, the health care and lost productivity costs associated with cardiovascular disease are estimated to total $286.5 billion.

To achieve our mission of reducing the burden of this devastating disease, we are committed to ensuring that patients have access to quality health care, including the medical treatment necessary to effectively prevent and control disease. For too long, senior citizens have had to work with an outdated healthcare delivery system.

Thank you for your leadership in the fight to modernize Medicare. The American Heart Association looks forward to continuing to work with you to ensure that senior citizens have access to preventive services and affordable prescription drugs.

Sincerely,

DIANE CANOVA, ESQ.,
Vice President, Advocacy.

THE AMERICAN GERIATRICS SOCIETY,
New York, NY, June 9, 1999.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: The American Geriatrics Society (AGS) strongly supports your bill, the Healthy Seniors Promotion Act of 1999. The AGS thanks you for introducing this important legislation that will provide comprehensive preventive health benefits to the elderly.

The AGS is comprised of more than 6,000 physicians and other health professionals that treat frail elderly patients with chronic diseases and complex health needs.

As you know, preventive health care for the elderly can improve quality of life and delay functional decline. However, the current Medicare program does not cover substantive preventive health services. Your bill authorizes Medicare coverage of new preventive services as well as a prevention-related outpatient drug benefit. In this way, your bill would change the Medicare program from one that treats illness and disability to one that focuses on health promotion and disease prevention for Medicare beneficiaries. As the organization that represents physicians that treat only the elderly, we believe that this is a long overdue and critical program reform.

We applaud your long interest in Medicare prevention and we look forward to working with you on legislation that will enable the elderly to live longer, more productive, and healthier lives.

Sincerely,

JOSPEH G. OUSLANDER, MD,
President.

THE NATIONAL COUNCIL ON THE AGING,
Washington, DC, June 7, 1999.

Hon. BOB GRAHAM,
Hart Senate Office Building
Washington, DC.

DEAR SENATOR GRAHAM: On behalf of the National Council on the Aging (NCOA), I write to express our organization's support for the Healthy Seniors Promotion Act of 1999.

NCOA strongly believes that increased attention must be focused on actions and techniques intended to prevent illness or disability. It is easier to prevent disease than it is to cure it. The time has come to take action that would broaden and further coordinate federal programs such as Medicare related to health promotion.

Disease prevention, including access to health promotion activities, protocols, and regimens for older and disabled persons—should be included as an essential component throughout the continuum of care.

NCOA supports expanding the Medicare program to include coverage of a full range of preventive services, prevention education, and counseling, as well as prescription drugs. Your proposal is a significant step in achieving these objectives on a cost effective basis, in a manner which will dramatically improve the quality of the lives of millions of older Americans.

We deeply appreciate your strong leadership in the area of preventive care. NCOA looks forward to working with you and your staff to pass the Healthy Seniors Promotion Act.

Sincerely,

HOWARD BEDLIN,
Vice President, Public Policy and Advocacy.

AMERICAN COUNCIL OF THE BLIND,
Washington, DC, June 9, 1999.

Senator ROBERT GRAHAM,
Hart Senate Office Building
Washington, DC.

DEAR SENATOR GRAHAM. The American Council of the Blind is pleased to have the opportunity to support the Healthy Seniors Promotion Act. This legislation contains provisions for expanded Medicare coverage that are needed by a large number of visually impaired persons in this country, namely, coverage for glaucoma screening and medications.

The American Council of the Blind is a national organization of persons who are blind and visually impaired. Many of our members are seniors who have lost their vision due to glaucoma, diabetes or macular degeneration. In fact, this is the fastest growing segment of our membership. The expansion of Medicare coverage proposed in this bill would benefit these individuals by alleviating some of the financial burdens faced by those who have already developed conditions that cause vision loss, and giving peace of mind to those who can still take measures to prevent the onset of vision loss. We congratulate you for your foresight in proposing these measures and look forward to working with you to see that this legislation is approved by both houses of congress and signed into law by the president.

Thank you very much.

Respectfully,

MELANIE BRUNSON,
Director of Advocacy and Governmental Affairs.

NATIONAL OSTEOPOROSIS FOUNDATION,
Washington, DC, June 9, 1999.

Hon. BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: The National Osteoporosis Foundation is pleased to offer its support for ''The Healthy Seniors Promotion Act of 1999''. We applaud your foresight regarding preventive health care and support your efforts to reduce, for example, stroke, osteoporosis, heart disease, and blindness.

Sincerely,

BENTE E. COONEY, MSW,
Director of Public Policy.

AMERICAN COLLEGE OF PREVENTIVE MEDICINE,
Washington, DC, June 9, 1999.

Senator BOB GRAHAM,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAHAM: The American College of Preventive Medicine is pleased to express its enthusiastic support for the ''Healthy Seniors Promotion Act of 1999.'' Your introduction of this bill underscores what preventive medicine professionals have known for many years, namely, that the benefits of preventive services for older Americans are just as great as for younger Americans. For many seniors, access to high quality preventive services can add years to life and life to years.

Your bill adds to the list of services covered by Medicare several services that we know to be effective in preventing serious disease. After an exhaustive and rigorous review of the scientific literature, the U.S. Preventive Services Task Force—considered by many to be the gold standard in determining the effectiveness of clinical preventive services—has identified a number of services for older Americans that are effective in preventing disease. These include tobacco cessation counseling, hypertension screening, and counseling on the benefits and risks of hormone replacement therapy—all of which would be covered under the ''Healthy Seniors Promotion Act of 1999.''

Your bill also helps ensure that important research gaps concerning preventive services for seniors are filled. It is incumbent upon the Congress to ensure that Medicare's preventive benefit package reflects the latest scientific research on the effectiveness of preventive services.

Basing coverage decisions on what the science tells us is effective is sound national health care policy. The American College of Preventive Medicine, which represents physicians concerned with health promotion and disease prevention, stands ready to assist you in working toward passage of this forward-looking and important bill.

Sincerely,

GEORGE K. ANDERSON, MD, MPH,
President.

By Mr. KOHL (for himself, Mr. BURNS, and Mr. HAGEL):

S. 1207. A bill to amend the Internal Revenue Code of 1986 to ensure that income averaging for farmers not increase a farmer's liability for the alternative minimum tax; to the Committee on Finance.

THE FARMER TAX FAIRNESS ACT

Mr. KOHL. Mr. President, I rise today to introduce the Farmer Tax Fairness Act, along with my farm state colleagues, Senators BURNS and HAGEL. This legislation is a targeted provision that will help ensure that farmers have access to tax benefits rightfully owed to them.

As you know, farmers' income often fluctuates from year to year based on unforeseen weather or market conditions. Income averaging allows farmers to ride out these unpredictable circumstances by spreading out their income over a period of years. Last year, we acted in a bipartisan manner to make income averaging a permanent provision of the tax code. Unfortunately, since that time, we have learned that, due to interaction with another tax code provision, the Alternative Minimum Tax (AMT), many of our nation's farmers have been unfairly denied the benefits of this important accounting tool.

As you know, the AMT was originally designed to ensure that all taxpayers, particularly those eligible for certain tax preferences, paid a minimum level of taxes. Due to inflation and the enactment of other tax provisions, more and more Americans are now subject to the AMT. While other reforms are required to keep the AMT focused on its original mission, our legislation addresses the specific concern of farmers relying on income averaging. Under our legislation, if a farmer's AMT liability is greater than taxes due under the income averaging calculation, that farmer would disregard the AMT and pay taxes according to the averaging calculation. In this way, farmers would still pay tax, but would also have access to tools designed to alleviate the inevitable ups and downs of the agricultural economy.

This provision is a modest and reasonable measure designed to ensure farmers are treated fairly when it comes time to file their taxes. I urge my colleague to lend their support. Thank you.

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. 1207

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 ''Farmer Tax Fairness Act''.

SEC. 2. INCOME AVERAGING FOR FARMERS NOT TO INCREASE ALTERNATIVE MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Section 55(c) of the Internal Revenue Code of 1986 (defining regular tax) is amended by redesignating paragraph (2) as paragraph (3) and by inserting after paragraph (1) the following:

''(2) COORDINATION WITH INCOME AVERAGING FOR FARMERS.—Solely for purposes of this section, section 1301 (relating to averaging of farm income) shall not apply in computing the regular tax.''

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

By Mr. MURKOWSKI:

S. 1208. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income; to the Committee on Finance.

CHARITABLE MILEAGE

Mr. MURKOWSKI. Mr. President, I rise to introduce modest legislation that will eliminate controversy between the IRS and people who use their automobiles to perform charitable work.

Two years, ago I was successful in convincing my colleagues that the standard mileage rate for charitable activities should be raised to 14 cents a mile. I would have preferred that the mileage rate would have been set higher, but at least this was a step in the right direction.

It has recently come to my attention that if a charity reimburses a volunteer at a rate higher than 14 cents a mile, the volunteer must include such higher reimbursement in income. Thus, for example, if a person uses his car for a voluntary food delivery program or for patient transportation and the charity reimburses the volunteer 25 cents a mile, the individual would have 11 cents of income. That is absurd, Mr. President, especially when one considers that if a person was performing the same service as an employee of a company, the person could be reimbursed tax-free at the rate of 31 cents a mile.

I understand that there have been cases where volunteer drivers have been audited and subjected to back taxes, penalties, and interest because of unreported volunteer mileage reimbursement, even though that reimbursement did not exceed the allowable business rate and the dollar amounts were quite small. Does IRS have nothing better to do than audit such individuals?

My bill would eliminate this problem. It provides that all charitable volunteer mileage reimbursement is nontaxable income to the extent that it does not exceed the standard business mileage rate and appropriate records are kept. It is important to note that my bill does not increase the allowable deduction claimed by volunteers who are not reimbursed by a charity.

I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 1208

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

SECTION 1. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS EXCLUDED FROM GROSS INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by redesignating section 139 as section 140 and by inserting after section 138 the following new section:

"SEC. 139. MILEAGE REIMBURSEMENTS TO CHARITABLE VOLUNTEERS.

"(a) IN GENERAL.—Gross income of an individual does not include amounts received, from an organization described in section 170(c), as reimbursement of operating expenses with respect to use of a passenger automobile for the benefit of such organization. The preceding sentence shall apply only to the extent that such reimbursement would be deductible under this chapter if section 274(d) were applied—

"(1) by using the standard business mileage rate established under such section, and

"(2) as if the individual were an employee of an organization not described in section 170(c).

"(b) NO DOUBLE BENEFIT.—Subsection (a) shall not apply with respect to any expenses if the individual claims a deduction or credit for such expenses under any other provision of this title.

"(c) EXEMPTION FROM REPORTING REQUIREMENTS.—Section 6041 shall not apply with respect to reimbursements excluded from income under subsection (a)."

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by striking the item relating to section 139 and inserting the following new items:

"Sec. 139. Reimbursement for use of passenger automobile for charity.

"Sec. 140. Cross reference to other Acts."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

By Mr. MURKOWSKI (for himself, Mr. STEVENS, and Mr. SANTORUM):

S. 1209. A bill to amend the Internal Revenue Code of 1986 to restore pension limits to equitable levels, and for other purposes; to the Committee on Finance.

MODIFICATIONS TO THE SECTION 415 LIMITS

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation on behalf of workers who have responsibly saved for retirement through collectively bargained, multiemployer defined benefit pension plans. I am pleased to be joined by Senators STEVENS and SANTORUM in sponsoring this bill. This legislation would raise the Section 415 limits and ensure that workers are not unfairly penalized in the amount they may receive when they retire.

Under the current rules, for some workers, benefit cutbacks resulting from the current rules means that they will not be able to retire when they wanted or needed to. For other workers, it means retirement with less income to live on.

The bill that I am introducing today will give all of these workers relief from the most confiscatory provisions of Section 415 and enable them to receive the full measure of their retirement savings.

Congress has recognized and corrected the adverse effects of Section 415 on government employee pension plans. Most recently, as part of the Tax Relief Act of 1997 (Public Law 105–34) and the Small Business Jobs Protection Act of 1996 (Public Law 104–188), we exempted government employee pension plans from the compensation-based limit, from certain early retirement limits, and from other provisions of Section 415. Other relief for government employee plans was included in earlier legislation amending Section 415.

Section 415 was enacted more then two decades ago when the pension world was quite different than it is today. The Section 415 limits were designed to place limits on pensions that could be received by highly paid executives. The passage of time and Congressional action has stood this original design on its head. The limits are forcing cutbacks in the pensions of middle income workers.

Section 415 limits the benefits payable to a worker in a defined benefit pension plans to the lessor of: (1) the worker's average annual compensation for the three consecutive years when his compensation was the highest [the "compensation-based limit"]; and (2) a dollar limit that is sharply reduced for retirement before the worker's Social Security normal retirement age.

The compensation-based limit assumes that the pension earned under a plan is linked to each worker's salary, as is typical in corporate pension plans. Unfortunately, that formula does not work properly when applied to multiemployer pension plans. Multiemployer plans, which cover more than ten million individuals, have long based their benefits on the collectively bargained contribution rates and years of covered employment with one or more of the multiple employers which contribute to the plan. In other words, benefits earned under a multiemployer plan have no relationship to the wages received by a worker form the contributing employers. The same benefits level is paid to all workers with the same contribution and covered employment records regardless of their individual wage histories.

A second assumption underlying the compensation-based limit is that workers' salaries increase steadily over the course of their careers so that the three highest salary years will be the last three consecutive years. While this salary history may be the norm in the corporate world, it is unusual in the multiemployer plan world. In multiemployer plan industries like building and construction, workers' wage earnings typically fluctuate from year-to-year according to several variables, including the availability of covered work and whether the worker is unable to work due to illness or disability. An individual worker's wage history may include many dramatic ups-and-downs. Because of these fluctuations, the three highest years of compensation for many multiemployer plan participants are not consecutive. Consequently, the Section 415 compensation-based limit for the workers is artificially low; lower than it would be if they were covered by corporate plans.

Thus, the premises on which the compensation-based limit is founded do not fit the reality of workers covered by multiemployer plans. And, the limit should not apply.

This bill would exempt workers covered by multiemployer plans from the compensation-based limit, just as government employees are now exempt.

Section 415's dollar limits have also been forcing severe cutbacks in the earned pensions of workers who retire under multiemployer pension plans before they reach age 65.

Construction work is physically hard, and is often performed under harsh climatic conditions. Workers are worn down sooner than in most other industries. Often, early retirement is a must. Multiemployer pension plans accommodate these needs of their covered workers by providing for early retirement, disability, and service pensions that provide a subsidized, partial or full pension benefit.

Section 415 is forcing cutbacks in these pensions because the dollar limit is severely reduced for each year younger than the Social Security normal retirement age that a worker is when he retires. For a worker who retires at age 50, the reduced dollar limit is now about $40,000 per year.

This reduced limit applies regardless of the circumstances under which the

worker retires and regardless of his plan's rules regarding retirement age. A multiemployer plan participant worn out after years of physical challenge who is forced into early retirement is nonetheless subject to a reduced limit. A construction worker who, after 30 years of demanding labor, has well earned a 30-and-out service pension at age 50 is nonetheless subject to the reduced limit.

This bill will ease this early retirement benefit cutback by extending to workers covered by multiemployer plans some of the more favorable early retirement rules that now apply to government employee pension plans and other retirement plans. These rules still provide for a reduced dollar limit for retirements earlier than age 62, but the reduction is less severe than under the current rules that apply to multiemployer plans.

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. 1209

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

SECTION 1. 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.

SEC. 2. GENERAL RETIREMENT PLAN LIMITS.

(a) DEFINED BENEFIT PLANS.—

(1) DOLLAR LIMIT.—

(A) IN GENERAL.—Subparagraph (A) of section 415(b)(1) (relating to limitation for defined benefit plans) is amended by striking ''$90,000'' and inserting ''$180,000''.

(B) AGE ADJUSTMENTS.—Subparagraphs (C) and (D) of section 415(b)(2) are each amended by striking ''$90,000'' each place it appears in the headings and the text and inserting ''$180,000''.

(C) COLLECTIVELY BARGAINED PLANS.—Paragraph (7) of section 415(b) (relating to benefits under certain collectively bargained plans) is amended by striking ''the greater of $68,212 or one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$90,000' '' and inserting ''one-half the amount otherwise applicable for such year under paragraph (1)(A) for '$180,000' ''.

(2) LIMIT REDUCED WHEN BENEFIT BEGINS BEFORE AGE 62.—Subparagraph (C) of section 415(b)(2) is amended by striking ''the social security retirement age'' each place it appears in the heading and text and inserting ''age 62''.

(3) LIMIT INCREASED WHEN BENEFIT BEGINS AFTER AGE 65.—Subparagraph (D) of section 415(b)(2) is amended by striking ''the social security retirement age'' each place it appears in the heading and text and inserting ''age 65''.

(4) MULTIEMPLOYER PLANS AND PLANS MAINTAINED BY GOVERNMENTS AND TAX EXEMPT ORGANIZATIONS.—Subparagraph (F) of section 415(b)(2) is amended to read as follows:

''(F) MULTIEMPLOYER PLANS AND PLANS MAINTAINED BY GOVERNMENTS AND TAX EXEMPT ORGANIZATIONS.—

''(i) IN GENERAL.—In the case of a governmental plan (within the meaning of section 414(d)), a plan maintained by an organization (other than a governmental unit) exempt from tax under this subtitle, a multiemployer plan (as defined in section 414(f)), or a qualified merchant marine plan, subparagraph (C) shall be applied as if the last sentence thereof read as follows: 'The reduction under this subparagraph shall not reduce the limitation of paragraph (1)(A) below (i) $130,000 if the benefit begins at or after age 55, or (ii) if the benefit begins before age 55, the equivalent of the $130,000 limitation for age 55.'.

''(ii) DEFINITIONS.—For purposes of this subparagraph—

''(I) QUALIFIED MERCHANT MARINE PLAN.—The term 'qualified merchant marine plan' means a plan in existence on January 1, 1986, the participants in which are merchant marine officers holding licenses issued by the Secretary of Transportation under title 46, United States Code.

''(II) EXEMPT ORGANIZATION PLAN COVERING 50 PERCENT OF ITS EMPLOYEES.—A plan shall be treated as a plan maintained by an organization (other than a governmental unit) exempt from tax under this subtitle if at least 50 percent of the employees benefiting under the plan are employees of an organization (other than a governmental unit) exempt from tax under this subtitle. If less than 50 percent of the employees benefiting under a plan are employees of an organization (other than a governmental unit) exempt from tax under this subtitle, the plan shall be treated as a plan maintained by an organization (other than a governmental unit) exempt from tax under this subtitle only with respect to employees of such an organization.''

(5) COST-OF-LIVING ADJUSTMENTS.—Subsection (d) of section 415 (related to cost-of-living adjustments) is amended—

(A) in paragraph (1)(A) by striking ''$90,000'' and inserting ''$180,000'', and

(B) in paragraph (3)(A)—

(i) by striking ''$90,000'' in the heading and inserting ''$180,000'', and

(ii) by striking ''October 1, 1986'' and inserting ''July 1, 1999''.

(b) DEFINED CONTRIBUTION PLANS.—

(1) IN GENERAL.—Subparagraph (B) of section 415(c)(1) (relating to limitation for defined contribution plans) is amended to read as follows:

''(B) the participants' compensation.''

(2) CONFORMING AMENDMENT.—Section 415(n)(2)(B) is amended by striking ''percentage''.

(c) COST-OF-LIVING ADJUSTMENTS.—

(1) PLANS MAINTAINED BY GOVERNMENTS AND TAX EXEMPT ORGANIZATIONS.—Paragraph (1) of section 415(d) (as amended by subsection (a)) is amended by striking ''and'' at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (D), and by inserting after subparagraph (B) the following new subparagraph:

''(C) the $130,000 amount in subsection (b)(2)(F), and''

(2) BASE PERIOD.—Paragraph (3) of section 415(d) (as amended by subsection (a)) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

''(D) $130,000 AMOUNT.—The base period taken into account for purposes of paragraph (1)(C) is the calendar quarter beginning July 1, 1999.''

(3) ROUNDING RULE RELATING TO DEFINED BENEFIT PLANS.—Paragraph (4) of section 415(d) is amended to read as follows:

''(4) ROUNDING.—

''(A) $180,000 AMOUNT.—Any increase under subparagraph (A) or (D) of paragraph (1) which is not a multiple of $5,000 shall be rounded to the next lowest multiple of $5,000.

''(B) $130,000 AMOUNT.—Any increase under subparagraph (C) of paragraph (1) which is not a multiple of $1,000 shall be rounded to the next lowest multiple of $1,000.''

(4) CONFORMING AMENDMENT.—Subparagraph (D) of section 415(d)(3) (as amended by paragraph (2)) is amended by striking ''paragraph (1)(C)'' and inserting ''paragraph (1)(D)''.

SEC. 3. TREATMENT OF MULTIEMPLOYER PLANS UNDER SECTION 415.

(a) COMPENSATION LIMIT.—Paragraph (11) of section 415(b) (relating to limitation for defined benefit plans) is amended to read as follows:

''(11) SPECIAL LIMITATION RULE FOR GOVERNMENTAL AND MULTIEMPLOYER PLANS.—In the case of a governmental plan (as defined in section 414(d)) or a multiemployer plan (as defined in section 414(f)), subparagraph (B) of paragraph (1) shall not apply.''

(b) COMBINING AND AGGREGATION OF PLANS.—

(1) COMBINING OF PLANS.—Subsection (f) of section 415 (relating to combining of plans) is amended by adding at the end the following:

''(3) EXCEPTION FOR MULTIEMPLOYER PLANS.—Notwithstanding paragraph (1) and subsection (g), a multiemployer plan (as defined in section 414(f)) shall not be combined or aggregated with any other plan maintained by an employer for purposes of applying the limitations established in this section, except that such plan shall be combined or aggregated with another plan which is not such a multiemployer plan solely for purposes of determining whether such other plan meets the requirements of subsection (b)(1)(A).''.

(2) CONFORMING AMENDMENT FOR AGGREGATION OF PLANS.—Subsection (g) of section 415 (relating to aggregation of plans) is amended by striking ''The Secretary'' and inserting ''Except as provided in subsection (f)(3), the Secretary''.

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to years beginning after December 31, 1999.

Mr. STEVENS. Mr. President, today I join Senator MURKOWSKI in introducing a measure that will fix a problem with the pension limits in section 415 of the tax code as they relate to multiemployer pension plans.

This is a problem I have been trying to fix for years, and I hope we can resolve this issue during this Congress.

Section 415, as it currently stands, deprives workers of the pensions they deserve.

In 1996, Congress addressed part of the problem by relieving public employees from the limits of section 415.

It is only proper that Congress does the same for private workers covered by multiemployer plans.

Section 415 negatively impacts workers who have various employers.

Currently, the pension level is set at the employee's highest consecutive 3-year average salary.

With fluctuations in industry, sometimes employees have up and down years rather than steady increases in their wages.

This can skew the 3-year salary average for the employee, resulting in a lower pension when the worker retires.

I would like to offer an example of section 415's impact to illustrate how unfairly the current law treats workers in multiemployer plans.

Assume we are talking about a worker employed for 15 years by a local union and her highest annual salary was $15,600.

The worker retires and applies for pension benefits from the two plans by which she was covered by virtue of her previous employment.

The worker had earned a monthly benefit of $1,000 from one plan and a monthly benefit of $474 from the second plan for a total monthly income of $1,474, or $17,688 per year.

The worker looked forward to receiving this full amount throughout her retirement.

However, the benefits had to be reduced by $202 per month, or about $2,400 per year to match her highest annual salary of $15,600.

The so-called ''compensation based limit'' of section 415 of the Tax Code did not take into account disparate benefits, but intended only to address workers with a single employer likely to receive steady increases in salary.

Currently section 415 limits a worker's pension to an equal amount of the worker's average salary for the three consecutive years when the worker's salary was the highest.

Instead of receiving the $17,688 per year pension that the worker had earned under the pension plans' rules, the worker can receive only $15,253 per year.

If the worker were a public employee covered by a public plan, her pension would not be cut.

This is because public pension plans are not restricted by the compensation-based limit language of section 415.

This robs employees of the money they have earned simply because they were not a public employee.

We are always looking for ways to encourage people to save for retirement and we try to educate people of the fact that relying on Social Security alone will not be enough.

Yet we penalize many private sector employees in multiemployer plans by arbitrarily limiting the amount of pension benefits they can receive.

It is wrong, and it should be fixed.

In addition, by changing the law to allow workers to receive the full pension benefits they are entitled to, we will see more money flowing to the treasury.

This is because greater pensions to retirees means greater retirement income, much of which is subject to taxes.

I urge my colleagues to support us in fixing this problem once and for all and I thank Senator MURKOWSKI for working with me on this issue.

By Mr. CHAFEE:

S. 1210. A bill to assist in the conservation of endangered and threatened species of fauna and flora found throughout the world; to the Committee on Foreign Relations.

FOREIGN ENDANGERED SPECIES CONSERVATION ACT OF 1999

Mr. CHAFEE. Mr. President, I am pleased to introduce a bill today that will offer a new tool for the conservation of imperiled species throughout the world. This legislation would establish a fund to provide financial assistance for conservation projects for these species, which often receive little, if any, help.

The primary Federal law protecting imperiled species is the Endangered Species Act (ESA). Of the 1700 species that are endangered or threatened under the ESA, more than 560—approximately one-third—are foreign species residing outside the United States. However, the general protections of the ESA do not apply overseas, nor does the Administration prepare recovery plans for foreign species.

The primary multilateral treaty protecting endangered and threatened species is the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES identifies more than 30,000 species to be protected through restrictions on trade in their parts and products. It does not address other threats facing these species.

Consequently, the vast majority of endangered or threatened species throughout the world receive little, if any, funding by the United States. Presently, three grants programs exist for specific species—African elephants, Asian elephants, rhinos, and tigers. In FY 1999, they received an aggregate of $1.9 million. Other small conservation programs exist in India, Mexico, China, and Russia under agreements with those countries. However, no program addresses the general need to conserve imperiled species in foreign countries.

This need could not be greater. Recently, much deserved attention has been given to the decline of primate populations in both Africa and Asia as a result of habitat loss and poaching to supply a trade of bushmeat. These species vitally need funding to arrest their serious declines.

Numerous other species in the same rainforests across Africa and Asia, as well as the rainforests of the Americas, also face threats relating to habitat loss. Habitats as varied as the alpine reaches of the Himalayas, the bamboo forests of China, and tropical coral reef systems are all home to species facing the threat of extinction, such as the snow leopard, the panda and sea turtles. While the charismatic mega-fauna receive the most public attention, the vast multitude of species continue to slip steadily towards extinction without even any public awareness.

A new grants program would be a powerful tool to begin to address the critical needs of these species, and would fill a significant gap in existing efforts. Such a program would be similar to the programs for elephants, rhinos and tigers, but would apply to any imperiled species. The existing programs have proven tremendously successful, particularly in creating local, long-term capacity within the foreign country to protect these species. The bill that I introduce today would build on these successful programs.

Specifically, the bill establishes a fund to support projects to conserve endangered and threatened species in foreign countries. The projects must be approved by the Secretary in cooperation with the Agency for International Development. Priority is to be given to projects that enhance conservation of the most imperiled species, that provide the greatest conservation benefit, that receive the greatest level of non-Federal funding, and that enhance local capacity for conservation efforts. The bill authorizes appropriations of $16 million annually for 4 years, 2001 to 2005, with $12 million authorized for the Fish and Wildlife Service, and $4 million for the National Marine Fisheries Service.

I urge my colleagues to cosponsor this worthwhile initiative. Mr. President, I ask unanimous consent the bill be printed in the RECORD.

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

S. 1210

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 ''Foreign Endangered Species Conservation Act of 1999''.

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) numerous species of fauna and flora in foreign countries have continued to decline to the point that the long-term survival of those species in the wild is in serious jeopardy;

(2) many of those species are listed as endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) or in Appendix I, II, or III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

(3) there are insufficient resources available for addressing the threats facing those species, which will require the joint commitment and effort of foreign countries within the range of those species, the United States and other countries, and the private sector;

(4) the grant programs established by Congress for tigers, rhinoceroses, Asian elephants, and African elephants have proven to be extremely successful programs that provide Federal funds for conservation projects in an efficient and expeditious manner and that encourage additional support for conservation in the foreign countries where those species exist in the wild; and

(5) a new grant program modeled on the existing programs for tigers, rhinoceroses, and

elephants would provide an effective means to assist in the conservation of foreign endangered species for which there are no existing grant programs.

(b) PURPOSE.—The purpose of this Act is to conserve endangered and threatened species of fauna and flora in foreign countries, and the ecosystems on which the species depend, by supporting the conservation programs for those species of foreign countries and the CITES Secretariat, promoting partnerships between the public and private sectors, and providing financial resources for those programs and partnerships.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACCOUNT.—The term ''Account'' means the Foreign Endangered and Threatened Species Conservation Account established by section 6.

(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Agency for International Development.

(3) CITES.—The term ''CITES'' means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, done at Washington March 3, 1973 (27 UST 1087; TIAS 8249), including its appendices and amendments.

(4) CONSERVATION.—The term ''conservation'' means the use of methods and procedures necessary to bring a species to the point at which there are sufficient populations in the wild to ensure the long-term viability of the species, including—

(A) protection and management of populations of foreign endangered or threatened species;

(B) maintenance, management, protection, restoration, and acquisition of habitat;

(C) research and monitoring;

(D) law enforcement;

(E) conflict resolution initiatives; and

(F) community outreach and education.

(5) FOREIGN ENDANGERED OR THREATENED SPECIES.—The term ''foreign endangered or threatened species'' means a species of fauna or flora—

(A) that is listed as an endangered or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) or that is listed in Appendix I, II, or III of CITES; and

(B) whose range is partially or wholly located in a foreign country.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior or the Secretary of Commerce, as program responsibilities are vested under Reorganization Plan No. 4 of 1970 (5 U.S.C. App.).

SEC. 4. FOREIGN SPECIES CONSERVATION ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of funds, the Secretary shall use amounts in the Account to provide financial assistance for projects for the conservation of foreign endangered or threatened species in foreign countries for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) ELIGIBLE APPLICANTS.—A proposal for a project for the conservation of foreign endangered or threatened species may be submitted to the Secretary by—

(A) any agency of a foreign country that has within its boundaries any part of the range of the foreign endangered or threatened species if the agency has authority over fauna or flora and the activities of the agency directly or indirectly affect the species;

(B) the CITES Secretariat; or

(C) any person with demonstrated expertise in the conservation of the foreign endangered or threatened species.

(2) REQUIRED INFORMATION.—A project proposal shall include—

(A) the name of the individual responsible for conducting the project, and a description of the qualifications of each individual who will conduct the project;

(B) the name of the foreign endangered or threatened species to benefit from the project;

(C) a succinct statement of the purposes of the project and the methodology for implementing the project, including an assessment of the status of the species and how the project will benefit the species;

(D) an estimate of the funds and time required to complete the project;

(E) evidence of support for the project by appropriate governmental agencies of the foreign countries in which the project will be conducted, if the Secretary determines that such support is required for the success of the project;

(F) information regarding the source and amount of non-Federal funds available for the project; and

(G) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project for funding under this Act.

(c) PROPOSAL REVIEW AND APPROVAL.—

(1) REQUEST FOR ADDITIONAL INFORMATION.—If, after receiving a project proposal, the Secretary determines that the project proposal is not complete, the Secretary may request further information from the person or entity that submitted the proposal before complying with the other provisions of this subsection.

(2) REQUEST FOR COMMENTS.—The Secretary shall request written comments, and provide an opportunity of not less than 30 days for comments, on the proposal from the appropriate governmental agencies of each foreign country in which the project is to be conducted.

(3) SUBMISSION TO ADMINISTRATOR.—The Secretary shall provide to the Administrator a copy of the proposal and a copy of any comments received under paragraph (2). The Administrator may provide comments to the Secretary within 30 days after receipt of the copy of the proposal and any comments.

(4) DECISION BY THE SECRETARY.—After taking into consideration any comments received in a timely manner from the governmental agencies under paragraph (2) and the Administrator under paragraph (3), the Secretary may approve the proposal if the Secretary determines that the project promotes the conservation of foreign endangered or threatened species in foreign countries.

(5) NOTIFICATION.—Not later than 180 days after receiving a completed project proposal, the Secretary shall provide written notification of the Secretary's approval or disapproval under paragraph (4) to the person or entity that submitted the proposal and the Administrator.

(d) PRIORITY GUIDANCE.—In funding approved project proposals, the Secretary shall give priority to the following types of projects:

(1) Projects that will enhance programs for the conservation of foreign endangered and threatened species that are most imperiled.

(2) Projects that will provide the greatest conservation benefit for a foreign endangered or threatened species.

(3) Projects that receive the greatest level of assistance, in cash or in-kind, from non-Federal sources.

(4) Projects that will enhance local capacity for the conservation of foreign endangered and threatened species.

(e) PROJECT REPORTING.—Each person or entity that receives assistance under this section for a project shall submit to the Secretary and the Administrator periodic reports (at such intervals as the Secretary considers necessary) that include all information required by the Secretary, after consultation with the Administrator, for evaluating the progress and success of the project.

(f) GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, after providing public notice and opportunity for comment, the Secretary of the Interior and the Secretary of Commerce shall each develop guidelines to carry out this section.

(2) PRIORITIES AND CRITERIA.—The guidelines shall specify—

(A) how the priorities for funding approved projects are to be determined; and

(B) criteria for determining which species are most imperiled and which projects provide the greatest conservation benefit.

SEC. 5. MULTILATERAL COLLABORATION.

The Secretary, in collaboration with the Secretary of State and the Administrator, shall—

(1) coordinate efforts to conserve foreign endangered and threatened species with the relevant agencies of foreign countries; and

(2) subject to the availability of appropriations, provide technical assistance to those agencies to further the agencies' conservation efforts.

SEC. 6. FOREIGN ENDANGERED AND THREATENED SPECIES CONSERVATION ACCOUNT.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund of the Treasury a separate account to be known as the ''Foreign Endangered and Threatened Species Conservation Account'', consisting of—

(1) amounts donated to the Account;

(2) amounts appropriated to the Account under section 7; and

(3) any interest earned on investment of amounts in the Account under subsection (c).

(b) EXPENDITURES FROM ACCOUNT.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may expend from the Account, without further Act of appropriation, such amounts as are necessary to carry out section 4.

(2) ADMINISTRATIVE EXPENSES.—An amount not to exceed 6 percent of the amounts in the Account—

(A) shall be available for each fiscal year to pay the administrative expenses necessary to carry out this Act; and

(B) shall be divided between the Secretary of the Interior and the Secretary of Commerce in the same proportion as the amounts made available under section 7 are divided between the Secretaries.

(c) INVESTMENT OF AMOUNTS.—The Secretary shall invest such portion of the Account as is not required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(d) ACCEPTANCE AND USE OF DONATIONS.—The Secretary may accept and use donations to carry out this Act. Amounts received by the Secretary in the form of donations shall be available until expended, without further Act of appropriation.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Account for each of fiscal years 2001 through 2005—

(1) $12,000,000 for use by the Secretary of the Interior; and

(2) $4,000,000 for use by the Secretary of Commerce.

By Mr. BENNETT:

S. 1211. A bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner; to the Committee on Energy and Natural Resources.

COLORADO RIVER BASIN SALINITY CONTROL REAUTHORIZATION LEGISLATION

Mr. BENNETT. Mr. President, I am pleased to rise today to introduce the Colorado River Basin Salinity Control Reauthorization Act of 1999. This legislation will reauthorize the funding of this program to a level of $175 million and will permit these important projects to continue forward for several years.

I do this because the Colorado River is the life link for more than 23 million people. It provides irrigation water for more than 4 million acres of land in the United States. Therefore, the quality of the water is crucial.

Salinity is one of the major problems affecting the quality of the water. Salinity damages range between $500 million and $750 million and could exceed $1.5 billion per year if future increases in salinity are not controlled. In an effort to limit future damages, the Basin States (Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming) and the Federal Government enacted the Colorado River Basin Salinity Control Act in 1974. Because the lengthy Congressional authorization process for Bureau of Reclamation projects was impeding the implementation of cost-effective measures, Congress authorized the Bureau in 1995 to implement a competitive, basin-wide approach for salinity control.

Under the new approach, termed the Basinwide Program salinity control projects were no longer built by the Federal Government. They were, for the most part, to be built by the private sector and local and state governments. Funds would be awarded to projects on a competitive bid basis. Since this was a pilot program, Congress originally limited funds to a $75 million ceiling.

Indeed, the Basinwide Salinity Program has far exceeded original expectations by proving to be both cost effective and successful. It has an average cost of $27 per ton of salt controlled, as compared to original authority program projects that averaged $76 per ton. One of the greatest advantages of the new program comes from the integration of Reclamation's program with the U.S. Department of Agriculture's program. By integrating the USDA's on-farm irrigation improvements with the Bureau's off-farm improvements, very high efficiency rates can be obtained.

Because the cost sharing partners (private organizations and states and federal agencies) often have funds available at specific times, the new program allows the Bureau of Reclamation to quickly respond to opportunities that are time sensitive. Another significant advantage of the Basinwide program is that completed projects are ''owned'' by the local entity, and not the Bureau. The entity is responsible for performing under the proposal negotiated with the Bureau.

In 1998, Bureau of Reclamation received a record number of proposals. While still working through the 1998 proposals, the Bureau also sought out 1999 proposals which are just now being received and evaluated. Although, not all proposals will be fully funded and constructed, funding requirements for even the most favorable projects surpasses the original $75 million funding authority. In fact, if all proposals go to completion and are fully funded, the Bureau might find itself in the position that no future requests for proposals can be considered until Congress raises the authorization ceiling. In an effort to prevent that from occurring, I am introducing this legislation today. I hope my colleagues will join me in this effort and I look forward to working on this legislation with them.

By Mr. CAMPBELL:

S. 1212. A bill to restrict United States assistance for certain reconstruction efforts in the Balkans region of Europe to United States-produced articles and services; to the Committee on Foreign Relations.

KOSOVO RECONSTRUCTION INVESTMENT ACT OF 1999

Mr. CAMPBELL. Mr. President, today I introduce the Kosovo Reconstruction Investment Act of 1999.

This legislation would require that the United States foreign aid funds committed to the reconstruction of Kosovo and other parts of the Balkans in the wake of the Kosovo conflict will be used to purchase American-made goods and services whenever possible.

This legislation provides a win-win approach to reconstruction by helping the people of Kosovo and others who live in the Balkans who have suffered as a result of the Kosovo conflict while also looking out for American workers.

The people of Kosovo and the Balkans will win by having new homes, hospitals, factories, bridges, and much more rebuilt. They will have roofs over their heads, places to go for health care and to work, and the roads and bridges needed to get there.

The American people will win as a sizable portion of their hard-earned taxpayer dollars will come back to the United States in the form of new orders for American-made goods and services. New jobs will be created. With this legislation we can make the best out of a looming, costly, and long-term burden on our Nation's budget.

This will be especially important for some of our key industries, such as agriculture and steel, that are facing hard times here at home. Other hard-working Americans from industries like manufacturing, engineering, construction, and telecommunications will also enjoy new opportunities to produce goods and services for the people of Southeastern Europe.

For example, our ranchers and farmers, many of whom are being severely harmed by a combination of toughcompetition at home, cheap imports and closed markets overseas will benefit. This bill will help provide them with the opportunity to strengthen their share in Europe's Southeastern markets.

Our steel workers, many of whom are also in a tough situation, will benefit as U.S. made steel is used to reconstruct homes, hospitals, factories, and bridges. American engineers, contractors, and other service providers will play a key role in rebuilding telecommunications and other necessary infrastructure projects.

To ensure that the Kosovo Reconstruction Investment Act does not unduly hinder the reconstruction effort, it allows for American foreign aid funds to be used to buy goods and services produced by other parties in cases where U.S. made goods and services are deemed to be ''prohibitively expensive.''

The American taxpayers are already bearing the lion's share of waging the war in Kosovo. To date, our nation's military has spent about $3 billion Kosovo war effort. Our pilots flew the vast majority of the combat sorties. In addition, the Foreign Operations supplemental appropriations bill that passed last month provided $819 million for humanitarian and refugee aid for Kosovo and surrounding countries. It has been estimated that peace keeping operations will cost an additional $3 billion in the first year alone. This is just the beginning. In the future, American taxpayers will be spending many tens of billions of dollars more as we participate in the apparently open-ended peacekeeping effort.

Without this legislation, those countries who largely sat on the sidelines while we fought will be allowed to sweep in and clean up. The American taxpayers' dollars should not be used as a windfall profits program to boost Western European conglomerates. The American people deserve better. The Kosovo Reconstruction Investment Act of 1999 would remedy this situation.

Yet another problem this bill would help alleviate is our exploding trade deficit which is on track to an all time high of approximately $250 billion by the end of this year. In March of this year alone, the United States posted a record 1 month trade deficit of $19.7 billion.

Furthermore, many of the other industrialized countries that regularly distribute foreign aid do not distribute

it with no strings attached. For many years now, countries like Japan have also required that the foreign aid funds they distribute be used to buy products produced by their domestic companies.

We also must face the reality that there is much more to rebuilding this region than money can buy. The various ethnic groups residing throughout the Balkans must realize that they have to change their hearts and ways if there is to be any lasting peace and prosperity. We cannot do this for them. They have to do it for themselves, as communities, families, and individuals.

If they commit themselves to rule of law, freedom of speech, free and open markets, the primacy of the ballot box over bullets and a live and let live tolerance of others, they will be well on their way as they head into the new millennium.

Once again, here we are reconstructing a part of Europe. Once again, we did not start the war, but we had to finish it and then were called on to come in, pick up the pieces, and put them back together again.

If America's airmen, sailors, marines, and soldiers are good enough to win a war, then America's hard-working taxpayers, including farmers, steel workers, and engineers are good enough to help rebuild shattered countries. If we are called on to put the Balkans back together, we should do it with a fair share of goods and services made in America.

The Kosovo Reconstruction Investment Act will help make sure that both the victims of the Kosovo conflict and the American people win. I urge my colleagues to support passage of this legislation.

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

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

S. 1212

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

SECTION 1. RESTRICTION ON UNITED STATES ASSISTANCE FOR CERTAIN RECONSTRUCTION EFFORTS IN THE BALKANS REGION.

(a) PROHIBITION.—

(1) IN GENERAL.—Except as provided in subsection (b), no part of any United States assistance furnished for reconstruction efforts in the Federal Republic of Yugoslavia, or any contiguous country, on account of the armed conflict or atrocities that have occurred in the Federal Republic of Yugoslavia since March 24, 1999, may consist of, or be used for the procurement of, any article produced outside the United States or any service provided by a foreign person.

(2) DETERMINATIONS OF FOREIGN PRODUCED ARTICLES.—In the application of paragraph (1), determinations of whether an article is produced outside the United States or whether a service is provided by a foreign person should be made consistent with the standards utilized by the Bureau of Economic Analysis of the Department of Commerce in its United States balance of payments statistical summary with respect to comparable determinations.

(b) EXCEPTION.—Subsection (a) shall not apply if doing so would require the procurement of any article or service that is prohibitively expensive or unavailable.

(c) DEFINITIONS.—In this section:

(1) ARTICLE.—The term ''article'' includes any agricultural commodity, steel, construction material, communications equipment, construction machinery, farm machinery, or petrochemical refinery equipment.

(2) FEDERAL REPUBLIC OF YUGOSLAVIA.—The term ''Federal Republic of Yugoslavia'' means the Federal Republic of Yugoslavia (Serbia and Montenegro) and includes Kosovo.

(3) FOREIGN PERSON.—The term ''foreign person'' means any foreign national, including any foreign corporation, partnership, other legal entity, organization, or association that is beneficially owned by foreign nationals or controlled in fact by foreign nationals.

(4) PRODUCED.—The term ''produced'', with respect to an item, includes any item mined, manufactured, made, assembled, grown, or extracted.

(5) SERVICE.—The term ''service'' includes any engineering, construction, telecommunications, or financial service.

(6) STEEL.—The term ''steel'' includes the following categories of steel products: semi-finished, plates, sheets and strips, wire rods, wire and wire products, rail type products, bars, structural shapes and units, pipes and tubes, iron ore, and coke products.

(7) UNITED STATES ASSISTANCE.—The term ''United States assistance'' means any grant, loan, financing, in-kind assistance, or any other assistance of any kind.

Mr. MCCAIN (for himself, Mr. CAMPBELL, and Mr. DOMENICI):

S. 1213. A bill to amend the Indian Child Welfare Act of 1978, and for other purposes; to the Committee on Indian Affairs.

INDIAN CHILD WELFARE ACT AMENDMENTS OF 1999

Mr. MCCAIN. Mr. President, I rise today to introduce legislation to amend the Indian Child Welfare Act of 1978 to ensure stricter enforcement of timelines and fairness in Indian adoption proceedings. The primary intent of this legislation is to make the process that applies to voluntary Indian child custody and adoption proceedings more consistent, predictable, and certain. The provisions of this legislation would further advance the best interests of Indian children without eroding tribal sovereignty and the fundamental principles of Federal-Indian law.

I thank the principal cosponsors, Senators CAMPBELL and DOMENICI, for their continued support of this much-needed legislation. Let me also point out that this bill is identical to legislation which passed the Senate by unanimous consent in 1996. It is the result of nearly two years of discussion and debate among representatives of the adoption community, Indian tribal governments, and the Congress that aimed to address some of the problems with the implementation of ICWA since its enactment in 1978.

Mr. President, ICWA was originally enacted to provide for procedural and substantive protection for Indian children and families and to recognize and formalize a substantial role for Indian tribes in cases involving involuntary and voluntary child custody proceedings, whether on or off the Indian reservation. It was also supposed to reduce uncertainties about which court had jurisdiction over an Indian child and who had what authority to influence child placement decisions. Although implementation of ICWA has been less than perfect, in the vast majority of cases ICWA has effectively provided the necessary protections. It has encouraged State and private adoption agencies and State courts to make extra efforts before removing Indian children from their homes and communities. It has required recognition byeveryone involved that an Indian child has a vital, long-term interest in keeping a connection with his or her Indian tribe.

Nonetheless, particularly in the voluntary adoption context, there have been occasional, high-profile cases which have resulted in lengthy, protracted litigation causing great anguish for the children, their adoptive families, their birth families, and their Indian tribes. This bill takes a measured and limited approach, crafted by representatives of tribal governments and the adoption community, to address these problems.

This legislation would achieve greater certainty and speed in the adoption process for Indian children by providing new guarantees of early and effective notice in all cases involving Indian children. The bill also establishes new, strict time restrictions on both the right of Indian tribes and birth families to intervene and the right of Indian birth parents to revoke their consent to an adoptive placement. Finally, the bill includes a provision which would encourage early identification of the relatively few cases involving controversy and promote the settlement of cases by making visitation agreements enforceable.

Mr. President, nothing is more sacred and more important to our future than our children. The issues surrounding Indian child welfare stir deep emotions. I am thankful that, in formulating the compromise that led to the introduction of this bill, the representatives of both the adoption community and tribal governments were able to put aside their individual desires and focus on the best interests of Indian children.

This bill represents an appropriate and fair-minded compromise proposal which would enhance the best interests of Indian children by guaranteeing speed, certainty, and stability in the adoption process. At the same time, the provisions of this bill preserve fundamental principles of Federal-Tribal law by recognizing the appropriate role of tribal governments in the lives of Indian children.

Mr. President, I believe these amendments would have been enacted several years ago had we been better able to dispel several misconceptions about the bill's purpose. I want to directly address one of these misplaced concerns—that the adoptive placement preferences in the underlying law, the Indian Child Welfare Act of 1978, would somehow lead an expectant mother seeking privacy to prefer abortion over adoption.

I want to be very clear when I say that it is my judgment, concurred in by Indian tribes, adoption advocates and many others involved with implementing the Indian Child Welfare Act, that this bill has everything to do with promoting adoption opportunities for Indian children and nothing to do with promoting abortion. It is a terrible injustice that such a misunderstanding has clouded the efforts of so many who wish to simply improve the chances for Indian children to enjoy a stable family life.

Over the years, I have had a consistently pro-life record and have actively worked with many pro-life groups to try to reduce and eliminate abortions at every possible opportunity. I firmly believe that this bill would make adoption, rather than abortion, a more compelling choice for an expectant birth mother. What could be more pro-life and pro-family than to change the law in ways which both Indian tribes and non-Indian adoptive families have asked to improve the adoption process? I strongly believe this bill, and the amendments it makes to the ICWA law, will work to the advantage of Indian children and adoptive families. It will encourage adoptions and discourage choices which lead to the tragedy of abortion.

A recent editorial by George F. Will in the Washington Post (''For Right-to-Life Realists'') underscores the importance of promoting legislative efforts, such as this bill, as good policy for protecting children and promoting families. He wrote:

> Temperate people on both sides of the abortion divide can support a requirement for parental notification, less as abortion policy than as sound family policy.
>
> . . . Republicans will be the party of adoption, removing all laws and other impediments, sparing no expense, to achieving a goal more noble even than landing on the moon—adoptive parents for every unwanted unborn baby.

Mr. President, this bill has been thoroughly analyzed and debated in the Senate, as well as among the adoption community and Indian tribal governments. I believe it is time for the Congress to act in the best interests of Indian children by enacting these amendments to the voluntary adoption procedures in the 1978 ICWA law. I urge my colleagues to once again pass these amendments and invite the House to do the same this year.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

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

S. 1213

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 ''Indian Child Welfare Act Amendments of 1999''.

SEC. 2. EXCLUSIVE JURISDICTION.

Section 101(a) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1911(a)) is amended—

(1) by inserting ''(1)'' after ''(a)''; and

(2) by striking the last sentence and inserting the following:

''(2) An Indian tribe shall retain exclusive jurisdiction over any child custody proceeding that involves an Indian child, notwithstanding any subsequent change in the residence or domicile of the Indian child, in any case in which the Indian child—

''(A) resides or is domiciled within the reservation of that Indian tribe and is made a ward of a tribal court of that Indian tribe; or

''(B) after a transfer of jurisdiction is carried out under subsection (b), becomes a ward of a tribal court of that Indian tribe.''.

SEC. 3. INTERVENTION IN STATE COURT PROCEEDINGS.

Section 101(c) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1911(c)) is amended by striking ''In any State court proceeding'' and inserting ''Except as provided in section 103(e), in any State court proceeding''.

SEC. 4. VOLUNTARY TERMINATION OF PARENTAL RIGHTS.

Section 103(a) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1913(a)) is amended—

(1) by striking the first sentence and inserting the following:

''(a)(1) Where any parent or Indian custodian voluntarily consents to foster care or preadoptive or adoptive placement or to termination of parental rights, such consent shall not be valid unless—

''(A) executed in writing;

''(B) recorded before a judge of a court of competent jurisdiction; and

''(C) accompanied by the presiding judge's certificate that—

''(i) the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian; and

''(ii) any attorney or public or private agency that facilitates the voluntary termination of parental rights or preadoptive or adoptive placement has—

''(I) informed the natural parents of the placement options with respect to the child involved;

''(II) informed those parents of the applicable provisions of this Act; and

''(III) certified that the natural parents will be notified within 10 days after any change in the adoptive placement.'';

(2) by striking ''The court shall also certify'' and inserting the following:

''(2) The court shall also certify'';

(3) by striking ''Any consent given prior to,'' and inserting the following:

''(3) Any consent given prior to,''; and

(4) by adding at the end the following:

''(4) An Indian custodian who has the legal authority to consent to an adoptive placement shall be treated as a parent for the purposes of the notice and consent to adoption provisions of this Act.''.

SEC. 5. WITHDRAWAL OF CONSENT.

Section 103(b) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1913(b)) is amended—

(1) by inserting ''(1)'' before ''Any''; and

(2) by adding at the end the following:

''(2) Except as provided in paragraph (4), a consent to adoption of an Indian child or voluntary termination of parental rights to an Indian child may be revoked, only if—

''(A) no final decree of adoption has been entered; and

''(B)(i) the adoptive placement specified by the parent terminates; or

''(ii) the revocation occurs before the later of the end of—

''(I) the 180-day period beginning on the date on which the tribe of the Indian child receives written notice of the adoptive placement provided in accordance with the requirements of subsections (c) and (d); or

''(II) the 30-day period beginning on the date on which the parent who revokes consent receives notice of the commencement of the adoption proceeding that includes an explanation of the revocation period specified in this subclause.

''(3 Immediately upon an effective revocation under paragraph (2), the Indian child who is the subject of that revocation shall be returned to the parent who revokes consent.

''(4) Subject to paragraph (6), if, by the end of the applicable period determined under subclause (I) or (II) of paragraph (2)(B)(ii), aconsent to adoption or voluntary termination of parental rights has not been revoked, a parent may revoke such consent after that date only—

''(A) pursuant to applicable State law; or

''(B) if the parent of the Indian child involved petitions a court of competent jurisdiction, and the court finds that the consent to adoption or voluntary termination of parental rights was obtained through fraud or duress.

''(5) Subject to paragraph (6), if a consent to adoption or voluntary termination of parental rights is revoked under paragraph (4)(B), with respect to the Indian child involved—

''(A) in a manner consistent with paragraph (3), the child shall be returned immediately to the parent who revokes consent; and

''(B) if a final decree of adoption has been entered, that final decree shall be vacated.

''(6) Except as otherwise provided under applicable State law, no adoption that has been in effect for a period longer than or equal to 2 years may be invalidated under this subsection.''.

SEC. 6. NOTICE TO INDIAN TRIBES

Section 103(c) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1913(c)) is amended to read as follows:

''(c)(1) A party that seeks the voluntary placement of an Indian child or the voluntary termination of the parental rights of a parent of an Indian child shall provide written notice of the placement or proceeding to the tribe of that Indian child. A notice under this subsection shall be sent by registered mail (return receipt requested) to the tribe of the Indian child, not later than the applicable date specified in paragraph (2) or (3).

''(2)(A) Except as provided in paragraph (3), notice shall be provided under paragraph (1) by the applicable date specified in each of the following cases:

''(i) Not later than 100 days after any foster care placement of an Indian child occurs.

''(ii) Not later than 5 days after any preadoptive or adoptive placement of an Indian child.

''(iii) Not later than 10 days after the commencement of any proceeding for a termination of parental rights to an Indian child.

''(iv) Not later than 10 days after the commencement of any adoption proceeding concerning an Indian child.

''(B) A notice described in subparagraph (A)(ii) may be provided before the birth of an Indian child if a party referred to in paragraph (1) contemplates a specific adoptive or preadoptive placement.

''(3) If, after the expiration of the applicable period specified in paragraph (2), a party referred to in paragraph (1) discovers that the child involved may be an Indian child—

''(A) the party shall provide notice under paragraph (1) not later than 10 days after the discovery; and

''(B) any applicable time limit specified in subsection (e) shall apply to the notice provided under subparagraph (A) only if the party referred to in paragraph (1) has, on or before commencement of the placement, made reasonable inquiry concerning whether the child involved may be an Indian child.''.

SEC. 7. CONTENT OF NOTICE.

Section 103(d) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1913(d)) is amended to read as follows:

''(d) Each written notice provided under subsection (c) shall be based on a good faith investigation and contain the following:

''(1) The name of the Indian child involved, and the actual or anticipated date and place of birth of the Indian child.

''(2) A list containing the name, address, date of birth, and (if applicable) the maiden name of each Indian parent and grandparent of the Indian child, if—

''(A) known after inquiry of—

''(i) the birth parent placing the child or relinquishing parental rights; and

''(ii) the other birth parent (if available); or

''(B) otherwise ascertainable through other reasonable inquiry.

''(3) A list containing the name and address of each known extended family member (if any), that has priority in placement under section 105.

''(4) A statement of the reasons why the child involved may be an Indian child.

''(5) The names and addresses of the parties involved in any applicable proceeding in a State court.

''(6)(A) The name and address of the State court in which a proceeding referred to in paragraph (5) is pending, or will be filed; and

''(B) the date and time of any related court proceeding that is scheduled as of the date on which the notice is provided under this subsection.

''(7) If any, the tribal affiliation of the prospective adoptive parents.

''(8) The name and address of any public or private social service agency or adoption agency involved.

''(9) An identification of any Indian tribe with respect to which the Indian child or parent may be a member.

''(10) A statement that each Indian tribe identified under paragraph (9) may have the right to intervene in the proceeding referred to in paragraph (5).

''(11) An inquiry concerning whether the Indian tribe that receives notice under subsection (c) intends to intervene under subsection (e) or waive any such right to intervention.

''(12) A statement that, if the Indian tribe that receives notice under subsection (c) fails to respond in accordance with subsection (e) by the applicable date specified in that subsection, the right of that Indian tribe to intervene in the proceeding involved shall be considered to have been waived by that Indian tribe.''.

SEC. 8. INTERVENTION BY INDIAN TRIBE.

Section 103 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1913) is amended by adding at the end the following:

''(e)(1) The tribe of the Indian child involved shall have the right to intervene at any time in a voluntary child custody proceeding in a State court only if—

''(A) in the case of a voluntary proceeding to terminate parental rights, the Indian tribe sent a notice of intent to intervene or a written objection to the adoptive placement to the court or to the party that is seeking the voluntary placement of the Indian child, not later than 30 days after receiving notice that was provided in accordance with the requirements of subsections (c) and (d); or

''(B) in the case of a voluntary adoption proceeding, the Indian tribe sent a notice of intent to intervene or a written objection to the adoptive placement to the court or to the party that is seeking the voluntary placement of the Indian child, not later than the later of—

''(i) 90 days after receiving notice of the adoptive placement that was provided in accordance with the requirements of subsections (c) and (d); or

''(ii) 30 days after receiving a notice of the voluntary adoption proceeding that was provided in accordance with the requirements of subsections (c) and (d).

''(2)(A) Except as provided in subparagraph (B), the tribe of the Indian child involved shall have the right to intervene at any time in a voluntary child custody proceeding in a State court in any case in which the Indian tribe did not receive written notice provided in accordance with the requirements of subsections (c) and (d).

''(B) An Indian tribe may not intervene in any voluntary child custody proceeding in a State court if the Indian tribe gives written notice to the State court or any party involved of—

''(i) the intent of the Indian tribe not to intervene in the proceeding; or

''(ii) the determination by the Indian tribe that—

''(I) the child involved is not a member of, or is not eligible for membership in, the Indian tribe, or

''(II) neither parent of the child is a member of the Indian tribe.

''(3) If an Indian tribe files a motion for intervention in a State court under this subsection, the Indian tribe shall submit to the court, at the same time as the Indian tribe files that motion, a tribal certification that includes a statement that documents, with respect to the Indian child involved, the membership or eligibility for membership of that Indian child in the Indian tribe under applicable tribal law.

''(f) Any act or failure to act of an Indian tribe under subsection (e) shall not—

''(1) affect any placement preference or other right of any individual under this Act;

''(2) preclude the Indian tribe of the Indian child that is the subject of an action taken by the Indian tribe under subsection (e) from intervening in a proceeding concerning that Indian child if a proposed adoptive placement of that Indian child is changed after that action is taken; or

''(3) except as specifically provided in subsection (e), affect the applicability of this Act.

''(g) Notwithstanding any other provision of law, no proceeding for a voluntary termination of parental rights or adoption of an Indian child may be conducted under applicable State law before the date that is 30 days after the tribe of the Indian child receives notice of that proceeding that was provided in accordance with the requirements of subsections (c) and (d).

''(h) Notwithstanding any other provision of law (including any State law)—

''(1) a court may approve, if in the best interests of an Indian child, as part of an adoption decree of that Indian child, an agreement that states that a birth parent, an extended family member, or the tribe of the Indian child shall have an enforceable right of visitation or continued contact with the Indian child after the entry of a final decree of adoption; and

''(2) the failure to comply with any provision of a court order concerning the continued visitation or contact referred to in paragraph (1) shall not be considered to be grounds for setting aside a final decree of adoption.''.

SEC. 9. PLACEMENT OF INDIAN CHILDREN.

Section 105(c) of the Indian Child Welfare Act of 1978 (25 U.S.C. 1915(c)) is amended—

(1) in the second sentence—

(A) by striking ''Indian child or parent'' and inserting ''parent or Indian child''; and

(B) by striking the colon after ''considered'' and inserting a period;

(2) by striking ''*Provided*, That where'' and inserting: ''In any case in which''; and

(3) by inserting after the second sentence the following: ''In any case in which a court determines that it is appropriate to consider the preference of a parent or Indian child, for purposes of subsection (a), that preference may be considered to constitute good cause.''.

SEC. 10. FRAUDULENT REPRESENTATION.

Title I of the Indian Child Welfare Act of 1978 (25 U.S.C. 1911 et seq.) is amended by adding at the end the following:

''SEC. 114. FRAUDULENT REPRESENTATION.

''(a) IN GENERAL.—With respect to any proceeding subject to this Act involving an Indian child or a child who may be considered to be an Indian child for purposes of this Act, a person, other than a birth parent of the child, shall, upon conviction, be subject to a criminal sanction under subsection (b) if that person knowingly and willfully—

''(1) falsifies, conceals, or covers up by any trick, scheme, or device, a material fact concerning whether, for purposes of this Act—

''(A) a child is an Indian child; or

''(B) a parent is an Indian;

''(2)(A) makes any false, fictitious, or fraudulent statement, omission, or representation; or

''(B) falsifies a written document knowing that the document contains a false, fictitious, or fraudulent statement or entry relating to a material fact described in paragraph (1); or

''(3) assists any person in physically removing a child from the United States in order to obstruct the application of this Act.

''(b) CRIMINAL SANCTIONS.—The criminal sanctions for a violation referred to in subsection (a) are as follows:

''(1) For an initial violation, a person shall be fined in accordance with section 3571 of title 18, United States Code, or imprisoned not more than 1 year, or both.

''(2) For any subsequent violation, a person shall be fined in accordance with section 3571 of title 18, United States Code, or imprisoned not more than 5 years, or both.''.

By Mr. THOMPSON (for himself, Mr. LEVIN, Mr. VOINOVICH, Mr.

ROBB, Mr. COCHRAN, Mrs. LINCOLN, Mr. ENZI, Mr. BREAUX, Mr. ROTH, and Mr. BAYH):

S. 1214. A bill to ensure the liberties of the people by promoting federalism, to protect the reserved powers of the States, to impose accountability for Federal preemption of State and local laws, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days to report or be discharged.

THE FEDERALISM ACCOUNTABILITY ACT OF 1999

Mr. THOMPSON. Mr. President, today I rise to introduce the ''Federalism Accountability Act,'' a bill to promote and preserve principles of federalism. Federalism raises two fundamental questions that policy makers should answer: What should government be doing? And what level of government should do it? Everything else flows from them. That's why federalism is at the heart of our Democracy.

The Founders created a dual system of governance for America, dividing power between the Federal Government and the States. The Tenth Amendment makes clear that States retain all governmental power not granted to the Federal Government by the Constitution. The Founders intended that the State and Federal governments would check each other's encroachment on individual rights. As Alexander Hamilton stated in the Federalist Papers, No. 28:

> Power being almost always the rival of power, the general government will at times stand ready to check the usurpations of the state governments, and these will have the same disposition towards the general government. The people, by throwing themselves into either scale, will infallibly make it preponderate. If their rights are invaded by either, they can make use of the other as the instrument of redress.

The structure of our constitutional system assumes that the states will maintain a sovereign status independent of the national government. At the same time, the Supremacy Clause states that Federal laws made pursuant to the Constitution shall be the supreme law of the land. The ''Federalism Accountability Act'' is intended to require careful thought and accountability when we reconcile the competing principles embodied in the Tenth Amendment and the Supremacy Clause. Congress and the Executive Branch should not lightly exercise the powers conferred by the Supremacy Clause without also shouldering responsibility. As the Supreme Court has been signaling in recent decisions, where the authority exists, the democratic branches of the Federal Government should make the primary decisions whether or not to limit state power, and they ought to exercise this power unambiguously.

We need to face the fact that Congress and the Executive Branch too often have acted as if they have a general police power to engage in any issue, no matter how local. Both Congress and the Executive Branch have neglected to consider prudential and constitutional limits on their powers. We should not forget that even where the Federal Government has the constitutional authority to act, state governments may be better suited to address certain matters. Congress has a habit of preempting State and local law on a large scale, with little thought to the consequences. Congress and the White House are ever eager to pass federal criminal laws to appear responsive to highly publicized events. We are now finding that this often is not only unnecessary and unwise, but it also has harmful implications for crime control.

Too often, federalism principles have been ignored. The General Accounting Office reported to our Committee that there has been gross noncompliance by the agencies with the executive order on federalism that has been law since it was issued by President Reagan in 1987. In a review of over 11,000 Federal rules recently issued during a 3-year period, GAO found that the agencies had prepared only 5 federalism assessments under the federalism order. It is time for legislation to ensure that the agencies take such requirements more seriously.

To be sure, we have made some inroads on federalism. The Supreme Court has recently revived federalist doctrines. Congress passed the Unfunded Mandates Reform Act to help discourage the wholesale passage of new legislative unfunded mandates. Congress also gave the States the Safe Drinking Water Act, reduced agency micro-management, and provided block grants in welfare, transportation, drug prevention, and—just recently—education flexibility. Much of the innovation that has improved the country began at the State and local level.

But unless we really understand that federalism is the foundation of our governmental system, these bright achievements will fade. As we cross into the 21st century, federalism must constantly illuminate our path. Our governmental structure is based on an optimistic belief in the power of people and their communities. I share that view. It is my hope that the Federalism Accountability Act give a greater voice to State and local governments and the people they serve and reinvigorate the debate on federalism.

The ''Federalism Accountability Act'' will promote restraint in the exercise of federal power. It establishes a rule of construction requiring an explicit statement of congressional or agency intent to preempt. Congress would be required to make explicit statements on the extent to which bills or joint resolutions are intended to preempt State or local law, and if so, an explanation of the reasons for such preemption.

Agencies would designate a federalism officer to implement the requirements of this legislation and to serve as a liaison to State and local officials. Early in the process of developing rules, Federal agencies would be required to notify, consult with, and provide an opportunity for meaningful participation by public officials of State and local governments. The agency would prepare a federalism assessment for rules that have federalism impacts. Each federalism assessment would include an analysis of: whether, why, and to what degree the Federal rule preempts state law; other significant impacts on State and local governments; measures taken by the agency, including the consideration of regulatory alternatives, to minimize the impact on State and local governments; and the extent of the agency's prior consultation with public officials, the nature of their concerns, and the extent to which those concerns have been met.

The legislation also will require the Congressional Budget Office, with the help of the Office of Management and Budget and the Congressional Research Service, to compile a report on preemptions by Federal rules, court decisions, and legislation. I hope this report will lead to an informed debate on the appropriate use of preemption to reach policy goals.

Finally, the legislation amends two existing laws to promote federalism. First, it amends the Government Performance and Results Act of 1993 to clarify that performance measures for State-administered grant programs are to be determined in cooperation with public officials. Second, it amends the Unfunded Mandates Reform Act of 1995to clarify that major new requirements imposed on States under entitlement authority are to be scored by CBO as unfunded mandates. It also requires that where Congress has capped the Federal share of an entitlement program, then the Committee report and the accompanying CBO report must analyze whether the legislation includes new flexibility or whether there is existing flexibility to offset additional costs.

Mr. President, this legislation was developed with representatives of the ''Big 7'' organizations representing State and local government, including the National Governors' Association, the National Conference of State Legislatures, the Council of State Governments, the National League of Cities, the National Association of Counties, the U.S. Conference of Mayors, and the International City/County Management Association. I am pleased that this legislation is supported by Senators LEVIN, VOINOVICH, ROBB, COCHRAN, LINCOLN, ENZI, BREAUX, ROTH, and

BAYH. I urge my colleagues to support this much-needed legislation.

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

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

S. 1214

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 ''Federalism Accountability Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Constitution created a strong Federal system, reserving to the States all powers not delegated to the Federal Government;

(2) preemptive statutes and regulations have at times been an appropriate exercise of Federal powers, and at other times have been an inappropriate infringement on State and local government authority;

(3) on numerous occasions, Congress has enacted statutes and the agencies have promulgated rules that explicitly preempt State and local government authority and describe the scope of the preemption;

(4) in addition to statutes and rules that explicitly preempt State and local government authority, many other statutes and rules that lack an explicit statement by Congress or the agencies of their intent to preempt and a clear description of the scope of the preemption have been construed to preempt State and local government authority;

(5) in the past, the lack of clear congressional intent regarding preemption has resulted in too much discretion for Federal agencies and uncertainty for State and local governments, leaving the presence or scope of preemption to be litigated and determined by the judiciary and sometimes producing results contrary to or beyond the intent of Congress; and

(6) State and local governments are full partners in all Federal programs administered by those governments.

SEC. 3. PURPOSES.

The purposes of this Act are to—

(1) promote and preserve the integrity and effectiveness of our Federal system of government;

(2) set forth principles governing the interpretation of congressional and agency intent regarding preemption of State and local government authority by Federal laws and rules;

(3) establish an information collection system designed to monitor the incidence of Federal statutory, regulatory, and judicial preemption; and

(4) recognize the partnership between the Federal Government and State and local governments in the implementation of certain Federal programs.

SEC. 4. DEFINITIONS.

In this Act the definitions under section 551 of title 5, United States Code, shall apply and the term—

(1) ''local government'' means a county, city, town, borough, township, village, school district, special district, or other political subdivision of a State;

(2) ''public officials'' means elected State and local government officials and their representative organizations;

(3) ''State''—

(A) means a State of the United States and an agency or instrumentality of a State;

(B) includes the District of Columbia and any territory of the United States, and an agency or instrumentality of the District of Columbia or such territory;

(C) includes any tribal government and an agency or instrumentality of such government; and

(D) does not include a local government of a State; and

(4) ''tribal government'' means an Indian tribe as that term is defined under section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

SEC. 5. COMMITTEE OR CONFERENCE REPORTS.

(a) IN GENERAL.—The report accompanying any bill or joint resolution of a public character reported from a committee of the Senate or House of Representatives or from a conference between the Senate and the House of Representatives shall contain an explicit statement on the extent to which the bill or joint resolution preempts State or local government law, ordinance, or regulation and, if so, an explanation of the reasons for such preemption. In the absence of a committee or conference report, the committee or conference shall report to the Senate and the House of Representatives a statement containing the information described in this section before consideration of the bill, joint resolution, or conference report.

(b) CONTENT.—The statement under subsection (a) shall include an analysis of—

(1) the extent to which the bill or joint resolution legislates in an area of traditional State authority; and

(2) the extent to which State or local government authority will be maintained if the bill or joint resolution is enacted by Congress.

SEC. 6. RULE OF CONSTRUCTION RELATING TO PREEMPTION.

(a) STATUTES.—No statute enacted after the effective date of this Act shall be construed to preempt, in whole or in part, any State or local government law, ordinance, or regulation, unless—

(1) the statute explicitly states that such preemption is intended; or

(2) there is a direct conflict between such statute and a State or local law, ordinance, or regulation so that the two cannot be reconciled or consistently stand together.

(b) RULES.—No rule promulgated after the effective date of this Act shall be construed to preempt, in whole or in part, any State or local government law, ordinance, or regulation, unless—

(1)(A) such preemption is authorized by the statute under which the rule is promulgated; and

(B) the rule, in compliance with section 7, explicitly states that such preemption is intended; or

(2) there is a direct conflict between such rule and a State or local law, ordinance, or regulation so that the two cannot be reconciled or consistently stand together.

(c) FAVORABLE CONSTRUCTION.—Any ambiguities in this Act, or in any other law of the United States, shall be construed in favor of preserving the authority of the States and the people.

SEC. 7. AGENCY FEDERALISM ASSESSMENTS.

(a) IN GENERAL.—The head of each agency shall—

(1) be responsible for implementing this Act; and

(2) designate an officer (to be known as the federalism officer) to—

(A) manage the implementation of this Act; and

(B) serve as a liaison to State and local officials and their designated representatives.

(b) NOTICE AND CONSULTATION WITH POTENTIALLY AFFECTED STATE AND LOCAL GOVERNMENT.—Early in the process of developing a rule and before the publication of a notice of proposed rulemaking, the agency shall notify, consult with, and provide an opportunity for meaningful participation by public officials of governments that may potentially be affected by the rule for the purpose of identifying any preemption of State or local government authority or other significant federalism impacts that may result from issuance of the rule. If no notice of proposed rulemaking is published, consultation shall occur sufficiently in advance of publication of an interim final rule or final rule to provide an opportunity for meaningful participation.

(c) FEDERALISM ASSESSMENTS.—

(1) IN GENERAL.—In addition to whatever other actions the federalism officer may take to manage the implementation of this Act, such officer shall identify each proposed, interim final, and final rule having a federalism impact, including each rule with a federalism impact identified under subsection (b), that warrants the preparation of a federalism assessment.

(2) PREPARATION.—With respect to each such rule identified by the federalism officer, a federalism assessment, as described in subsection (d), shall be prepared and published in the Federal Register at the time the proposed, interim final, and final rule is published.

(3) CONSIDERATION OF ASSESSMENT.—The agency head shall consider any such assessment in all decisions involved in promulgating, implementing, and interpreting the rule.

(4) SUBMISSION TO THE OFFICE OF MANAGEMENT AND BUDGET.—Each federalism assessment shall be included in any submission made to the Office of Management and Budget by an agency for review of a rule.

(d) CONTENTS.—Each federalism assessment shall include—

(1) a statement on the extent to which the rule preempts State or local government law, ordinance, or regulation and, if so, an explanation of the reasons for such preemption;

(2) an analysis of—

(A) the extent to which the rule regulates in an area of traditional State authority; and

(B) the extent to which State or local authority will be maintained if the rule takes effect;

(3) a description of the significant impacts of the rule on State and local governments;

(4) any measures taken by the agency, including the consideration of regulatory alternatives, to minimize the impact on State and local governments; and

(5) the extent of the agency's prior consultation with public officials, the nature of their concerns, and the extent to which those concerns have been met.

(e) PUBLICATION.—For any applicable rule, the agency shall include a summary of the federalism assessment prepared under this section in a separately identified part of the statement of basis and purpose for the rule as it is to be published in the Federal Register. The summary shall include a list of the public officials consulted and briefly describe the views of such officials and the agency's response to such views.

SEC. 8. PERFORMANCE MEASURES.

Section 1115 of title 31, United States Code, is amended by adding at the end the following:

''(g) The head of an agency may not include in any performance plan under this

section any agency activity that is a State-administered Federal grant program, unless the performance measures for the activity are determined in cooperation with public officials as defined under section 4 of the Federalism Accountability Act of 1999.''.

SEC. 9. CONGRESSIONAL BUDGET OFFICE PREEMPTION REPORT.

(a) OFFICE OF MANAGEMENT AND BUDGET INFORMATION.—Not later than the expiration of the calendar year beginning after the effective date of this Act, and every year thereafter, the Director of the Office of Management and Budget shall submit to the Director of the Congressional Budget Office information describing interim final rules and final rules issued during the preceding calendar year that preempt State or local government authority.

(b) CONGRESSIONAL RESEARCH SERVICE INFORMATION.—Not later than the expiration of the calendar year beginning after the effective date of this Act, and every year thereafter, the Director of the Congressional Research Service shall submit to the Director of the Congressional Budget Office information describing court decisions issued during the preceding calendar year that preempt State or local government authority.

(c) CONGRESSIONAL BUDGET OFFICE REPORT.—

(1) IN GENERAL.—After each session of Congress, the Congressional Budget Office shall prepare a report on the extent of Federal preemption of State or local government authority enacted into law or adopted through judicial or agency interpretation of Federal statutes during the previous session of Congress.

(2) CONTENT.—The report under paragraph (1) shall contain—

(A) a list of Federal statutes preempting, in whole or in part, State or local government authority;

(B) a summary of legislation reported from committee preempting, in whole or in part, State or local government authority;

(C) a summary of rules of agencies preempting, in whole or in part, State and local government authority; and

(D) a summary of Federal court decisions on preemption.

(3) AVAILABILITY.—The report under this section shall be made available to—

(A) each committee of Congress;

(B) each Governor of a State;

(C) the presiding officer of each chamber of the legislature of each State; and

(D) other public officials and the public on the Internet.

SEC. 10. FLEXIBILITY AND FEDERAL INTERGOVERNMENTAL MANDATES.

(a) DEFINITION.—Section 421(5)(B) of the Congressional Budget Act of 1974 (2 U.S.C. 658(5)(B)) is amended—

(1) by striking ''(i)(I) would'' and inserting ''(i) would'';

(2) by striking ''(II) would'' and inserting ''(ii)(I) would''; and

(3) by striking ''(ii) the'' and inserting ''(II) the''.

(b) COMMITTEE REPORTS.—Section 423(d) of the Congressional Budget Act of 1974 (2 U.S.C. 658b(d)) is amended—

(1) in paragraph (1)(C) by striking ''and'' after the semicolon;

(2) in paragraph (2) by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(3) if the bill or joint resolution would make the reduction specified in section 421(5)(B)(ii)(I), a statement of how the committee specifically intends the States to implement the reduction and to what extent the legislation provides additional flexibility, if any, to offset the reduction.''.

(c) CONGRESSIONAL BUDGET OFFICE ESTIMATES.—Section 424(a) of the Congressional Budget Act of 1974 (2 U.S.C. 658c(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

''(3) ADDITIONAL FLEXIBILITY INFORMATION.—The Director shall include in the statement submitted under this subsection, in the case of legislation that makes changes as described in section 421(5)(B)(ii)(I)—

''(A) if no additional flexibility is provided in the legislation, a description of whether and how the States can offset the reduction under existing law; or

''(B) if additional flexibility is provided in the legislation, whether the resulting savings would offset the reductions in that program assuming the States fully implement that additional flexibility.''.

SEC. 11. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

Mr. LEVIN. Mr. President, I am happy to join Senators THOMPSON and VOINOVICH and a bipartisan group of our colleagues in introducing the Federalism Accountability Act of 1999. The bill would require an explicit statement of Federal preemption in Federal legislation in order for such preemption to occur unless there exists a direct conflict between the Federal law and a State or local law which cannot be reconciled. Enactment of this bill would close the back door of implied Federal preemption and put the responsibility for determining whether or not State or local governments should be preempted back in Congress, where it belongs. The bill would also institute procedures to ensure that, in issuing new regulations, federal agencies respect State and local authority.

Mr. President, we want to ensure that the federal government works in partnership with our State and local government colleagues. One way of making sure this happens is that preemption occurs only when Congress makes a conscious decision to preempt and it is amply clear to all parties that preemption will occur. In 1991, I sponsored a bill, S. 2080, to clarify when preemption does and does not occur. I have since sponsored two similar bills. When I introduced S. 2080, I noted that ''state and local officials have become increasingly concerned with the number of instances in which State and local laws have been preempted by Federal law—not because Congress has done so explicitly, but because the courts have implied such preemption. Since 1789, Congress has enacted approximately 350 laws specifically preempting State and local authority. Half of these laws have been enacted in the last 20 years. These figures, however, do not touch upon the extensive Federal preemption of State and local authority which has occurred as a result of judicial interpretation of congressional intent, when Congress' intention to preempt has not been explicitly stated in law. When Congress is unclear about its intent to preempt, the courts must then decide whether or not preemption was intended and, if so, to what extent.''

In the ensuing time, there have been some changes, such as the Unfunded Mandates Reform Act, which have strengthened the partnership between the federal, state and local governments. Unfortunately, in the big picture, there has been little or no evidence of a change in the trends that I attempted to address when I introduced S. 2080 in 1991. Sometimes we enact a law and it is clear as to the scope of the intended preemption. Just as often, we are not clear, or a court takes language that appeared to be clear and decides that it is not, and construes it in favor of preemption. Similarly, agencies take actions that are determined to be preemptive whether their language is clear or not.

Article VI of the Constitution, the supremacy clause, states that Federal laws made pursuant to the Constitution ''shall be the supreme law of the land.'' In its most basic sense, this clause means that a State law is negated or preempted when it is in conflict with a constitutionally enacted Federal law. A significant body of case law has been developed to arrive at standards by which to judge whether or not Congress intended to preempt State or local authority—standards which are subjective and have not resulted in a consistent and predictable doctrine in resolving preemption questions.

If we in Congress want Federal law to prevail, we should be clear about that. If we want the States to have discretion to go beyond Federal requirements, we should be clear about that. If, for example, we set a floor in a Federal statute, but are silent on actions which meet but then go beyond the Federal requirement, State and local governments should be able to act as they deem appropriate. State and local governments should not have to wait to see what they can and cannot do. Our bill would allow tougher State and local laws given congressional silence.

In addition, the bill contains a requirement that agencies notify, and consult with, state and local governments and their representative organizations during the development of rules, and publish proposed and final federalism assessments along with proposed and final rules. Mr. President, itshould not be necessary to enact legislation to accomplish these things. Federal agencies should never issue rules without having the best and most complete information possible. Our State and local governments are ready, willing, and able to provide their expertise on how Federal rules will impact those governments' ability to get

their jobs done. Common sense dictates that they be notified and consulted before the federal government regulates in a way that weakens or eliminates the ability of State and local governments to do their jobs, or duplicates their efforts.

The current Administration and previous ones have recognized the value of having federal agencies consult with State and local governments. However, as was amply demonstrated by a recent GAO report, Executive Order requirements for federalism assessments have been ignored. The bill would correct this noncompliance by the Executive Branch, and ensure that independent agencies, as well, will engage in such consultation and publish assessments along with rules.

Not only will the compilation and issuance of federalism assessments force the agencies to think through what they are doing, they will bolster the confidence of the public and regulated entities in the regulatory process by assuring them that their governments are acting in concert and avoiding conflicting or duplicative requirements.

Our legislation also requires the Congressional Budget Office, with the assistance of the Congressional Research Service, at the end of each Congress, to compile a report on the number of statutory and judicially interpreted preemptions. This will constitute the first time such a complete report has been done, and the information will be valuable to the debate regarding the appropriate use of preemption to reach Federal goals.

Mr. President, legislation to clarify when preemption occurs and otherwise strengthen the intergovernmental relationship has been endorsed by the major state and local government organizations. I would like to thank Senators THOMPSON and VOINOVICH and their staffs for their hard work in this area.

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation, the Federalism Accountability Act of 1999, along with my colleagues Senator FRED THOMPSON and Senator CARL LEVIN. Our legislation is the culmination of months of bipartisan effort that we believe will restore the fundamental principles of federalism.

In my 33 years of public service, at every level of government, I have seen first hand the relationship of the federal government with respect to state and local government. The nature of that relationship has molded my passion for the issue of federalism and the need to spell-out the appropriate role of the federal government with respect to our state and local governments. It is why I vowed that when I was elected to the Senate, I would work to find ways in which the federal government can be a better partner with these levels of government.

I have long been concerned with the federal government becoming involved in matters and issues which I believe are best handled by state and local governments. I also have been concerned about the tendency of the federal government to preempt our state and local governments and mandate new responsibilities without the funding to pay for them.

In a speech before the Volunteers of the National Archives in 1986 regarding thee relationship of the Constitution with America's cities and the evolution of federalism, I brought to the attention of the audience my observations since my early days in government regarding the course American government had been taking:

> We have seen the expansion of the federal government into new, non-traditional domestic policy areas. We have experienced a tremendous increase in the proclivity of Washington both to preempt state and local authority and to mandate actions on state and local governments. The cumulative effect of a series of actions by the Congress, the Executive Branch and the U.S. Supreme Court have caused some legal scholars to observe that while constitutional federalism is alive in scholarly treatises, it has expired as a practical political reality.

We have made great progress since I gave that speech more than a dozen years go.

An outstanding article last year written by Carl Tubbesing, the deputy executive director of the National Council of State Legislatures, in State Legislatures magazine, outlined what he called the five ''hallmarks of devolution''—legislation in the 1990's that changed the face of the federal-state-local government partnership and reversed the decades long trend toward federal centralization.

These bills are the Unfunded Mandates Reform Act, the Safe Drinking Water Reform Act Amendments, Welfare Reform, Medicaid reforms such as elimination of the Boren amendment, and the establishment of the Children's Health Insurance Program.

Also, just this year, Congress has passed and the President has signed into law two important pieces of legislation which enhance the state, local and federal partnership. Those initiatives are the Education Flexibility Act, which gives our states and school districts the freedom to use their federal funds for identified education priorities, and the Anti-Tobacco Recoupment provision in the Supplemental Appropriations bill that prevents the federal government from taking any portion of the $246 billion in tobacco settlement funds from the states.

Although these achievements have helped revive federalism, it is clear that state and local governments still need protection from federal encroachment in state and local affairs. It is equally clear that the federal government needs to do more to be better partners with our state and local governments. As Congress is less eager to impose unfunded mandates, largely because of the commitments we won through the Unfunded Mandates law, there is a growing interest in imposing policy preemptions. The proposed federal moratorium on all state and local taxes on Internet commerce is just one striking example that could have a devastating effect on the ability of States and localities to serve their citizens.

The danger of this growing trend toward federal preemption is the reason the Federalism Accountability Act is so important. The legislation makes Congress and federal agencies clear and accountable when enacting laws and rules that preempt State and local authority. It also directs the courts to err on the side of state sovereignty when interpreting vague Federal rules and statutes where the intent to preempt state authority is unclear.

I am particularly gratified that this legislation addresses a misinterpretation of the Unfunded Mandates Reform Act as it applies to large entitlement programs. The Federalism Accountability Act clarifies that major new requirements imposed on States under entitlement authority are to be scored by the Congressional Budget Office as unfunded mandates. It also requires that where Congress has capped the Federal share of an entitlement program, the accompanying committee and CBO reports must analyze whether the legislation includes new flexibility or whether there is existing flexibility to offset additional costs incurred by the States. This important ''fix'' to the Unfunded Mandates law is long overdue and I am pleased we are including it in our federalism bill.

The Federalism Accountability Act is a welcome and needed step toward protecting our States and communities against interference from Washington. It builds upon the gains we have already made in restoring the balance between the Federal Government and the States envisioned by the Framers of our Constitution. I am proud to have played a role in crafting it, and I hope all my colleagues will lend their support to this worthy legislation.

By Mr. DODD (for himself, Mr. CONRAD, and Mr. LEAHY):

S. 1215. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish headstones or markers for marked graves of, or to otherwise commemorate, certain individuals; to the Committee on Veterans Affairs.

VETERANS HEADSTONES AND MARKERS

Mr. DODD. Mr. President, I rise today to introduce a bill that will entitle each deceased veteran to an official headstone or grave marker in recognition of that veteran's contribution to this nation. Currently the VA provides

a headstone or grave marker upon request only if the veteran's grave is unmarked. This provision dates back tothe Civil War when this nation wanted to ensure that none of its soldiers was buried in an unmarked grave. Of course, in this day and age, a grave rarely goes unmarked, and the official headstone or marker instead serves specifically to recognize a deceased veteran's service.

Unfortunately, this provision has not changed with the times. When families go ahead and purchase a private headstone, as nearly every family does these days, they bar themselves from receiving the government headstone or marker. On the other hand, some families who happen to be aware of this provision request the official headstone or marker prior to placing a private marker. As a result, the grave of their veteran bears both the private marker and the government marker.

All deceased veterans deserve to have their service recognized, not just those whose families make their requests prior to purchasing a private marker. The Department of Veterans Affairs is well aware of this anomaly. VA officials receive thousands of complaints each year from families who are upset about this law's arbitrary effect.

A constituent of mine, Thomas Guzzo, first brought this matter to my attention last year. His late father, Agostino Guzzo, served in the Philippines and was honorably discharged from the Army in 1947. Today, Agostino Guzzo is interred in a mausoleum at Cedar Hill Cemetery in Hartford, but the mausoleum bears no reference to his service because of the current law. Like so many families, the Guzzo family bought its own marker and subsequently found that it could not request an official VA marker.

Thomas Guzzo then contacted me, and I attempted to straighten out what I thought to be a bureaucratic mix-up. I was surprised to realize that Thomas Guzzo's difficulties resulted not from some glitch in the system, but rather from the law itself. In the end, I wrote to the Secretary of Veterans Affairs regarding Thomas Guzzo's very reasonable request. The Secretary responded that his hands were tied as a result of the obscure law. Furthermore, the Secretary's response indicated that, even if a grave marker could be provided for Thomas Guzzo, that marker could not be placed on a cemetery bench or tree that would be dedicated to the elder Guzzo. The law prevented the Department from providing a marker for placement anywhere but the grave site and thus prevents families from recognizing their veteran's service as they wish.

This bill is a modest means of solving a massive problem. It has been scored by the Congressional Budget Office at less than three million dollars per year. That is a small price to pay to recognize our deceased veterans and put their families at ease. If a family wishes to dedicate a tree or bench to their deceased veteran, this bill allows the family to place the marker on those memorials. We should give these markers to the families when they request them, and we should allow each family to recognize their deceased veteran in their own way.

This bill allows the Department of Veterans Affairs to better serve veterans and their families. I stand with thousands of veterans' families and look forward to the day when this bill's changes will be written into law.

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 1216. A bill to amend the Marine Mammal Protection Act of 1972 to establish a Marine Mammal Rescue Grant Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MARINE MAMMAL RESCUE FUND

Mr. TORRICELLI. Mr. President, I rise today to introduce legislation to establish the Marine Mammal Rescue Fund. This legislation will amend the Marine Mammal Protection Act of 1972 by establishing a grant program that Marine Mammal Stranding Centers and Networks can use to support the important work they do in responding to marine mammal strandings and mortality events.

Since the enactment of the Marine Mammal Protection Act in 1972, 47 facilities nationally have been authorized to handle the rehabilitation of stranded marine mammals and over 400 individuals and facilities across the country are part of an authorized National Stranding Network that responds to strandings and deaths.

Mr. President, these facilities and individuals provide our country with a variety of critical services, including rescue, housing, care, rehabilitation, transport, and tracking of marine mammals and sea turtles, as well as assistance in investigating mortality events, tissue sampling, and removal of carcasses. They also work very closely with the National Marine Fisheries Service, a variety of environmental groups, and with state and local officials in rescuing, tracking and protecting marine mammals and sea turtles on the Endangered Species List. Yet they rely primarily on private donations, fundraisers, and foundation grants for their operating budgets. They receive no federal assistance, and a very few of them get some financial assistance from their states.

As an example, Mr. President, the Marine Mammal Stranding Center located in Brigantine in my home state of New Jersey was formed in 1978. To date, it has responded to over 1,500 calls for stranded whales, dolphins, seals and sea turtles that have washed ashore on New Jersey's beaches. It has also been called on to assist in strandings as far away as Delaware, Maryland, and Virginia. Yet, their operating budget for the past year was just under $300,000, with less than 6 percent ($17,000) coming from the state. Although the Stranding Center in Brigantine has never turned down a request for assistance with a stranding, trying to maintain that level of responsiveness and service becomes increasingly more difficult each year.

Virtually all the money raised by the Center, Mr. President, goes to pay for the feeding, care, and transportation of rescued marine mammals, rehabilitation (including medical care), insurance, day-to-day operation of the Center, and staff payroll. Too many times the staff are called upon to pay out-of-pocket expenses in travel, subsistence, and quarters while responding to strandings or mortality events.

Mr. President, this should not happen. These people are performing a great service to Americans across the country, and they are being asked to pay their own way as well. And when responding to mortality events, Mr. President, they are performing work that protects public health and helps assess the potential danger to human life and to other marine mammals.

I feel very strongly that we should be providing some support to the people who are doing this work. To that end, Mr. President, the legislation I am introducing would create the Marine Mammal Rescue Fund under the Marine Mammal Protection Act. It would authorize funding at $5,000,000.00, annually, over the next five years, for grants to Marine Mammal Stranding Centers and Stranding Network Members authorized by the National Marine Fisheries Service (NMFS). Grants would not exceed $100,000.00 per year, and would require a 25 percent non-federal funding matching requirement.

I am proud to offer this legislation on behalf of the Stranding Centers across the country, and look forward to working with my colleagues to ensure its passage. 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. 1216

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

SECTION 1. MARINE MAMMAL RESCUE GRANT PROGRAM.

(a) IN GENERAL.—Title IV of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1421a et seq.) is amended—

(1) by redesignating sections 408 and 409 as sections 409 and 410, respectively; and

(2) by inserting after section 407 the following:

"SEC. 408. MARINE MAMMAL RESCUE GRANT PROGRAM.

''(a) DEFINITIONS.—In this section:

''(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the National Oceanic and Atmospheric Administration.

''(2) CHIEF.—The term 'Chief' means the Chief of the Office.

''(3) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.

''(4) STRANDING CENTER.—The term 'stranding center' means a center with respect to which the Secretary has entered into an agreement referred to in section 403 to take marine mammals under section 109(h)(1) in response to a stranding.

''(b) GRANTS.—

''(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary, acting through the Chief, shall conduct a grant program to be known as the Marine Mammal Rescue Grant Program, to provide grants to eligible stranding centers and eligible stranding network participants for the recovery or treatment of marine mammals and the collection of health information relating to marine mammals.

''(2) APPLICATION.—In order to receive a grant under this section, a stranding center or stranding network participant shall submit an application in such form and manner as the Secretary, acting through the Chief, may prescribe.

''(3) ELIGIBILITY CRITERIA.—The Secretary, acting through the Chief and in consultation with stranding network participants, shall establish criteria for eligibility for participation in the grant program under this section.

''(4) LIMITATION.—The amount of a grant awarded under this section shall not exceed $100,000.

''(5) MATCHING REQUIREMENT.—The non-Federal share for an activity conducted by a grant recipient under the grant program under this section shall be 25 percent of the cost of that activity.

''(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Commerce to carry out the grant program under this section, $5,000,000 for each of fiscal years 2000 through 2004.''.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 (86 Stat. 1027) is amended by striking the items relating to sections 408 and 409 and inserting the following:

''Sec. 408. Marine Mammal Rescue Grant Program.
''Sec. 409. Authorization of appropriations.
''Sec. 410. Definitions.''.

ADDITIONAL COSPONSORS

S. 14

At the request of Mr. COVERDELL, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 14, a bill to amend the Internal Revenue Code of 1986 to expand the use of education individual retirement accounts, and for other purposes.

S. 87

At the request of Mr. BUNNING, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 87, a bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes.

S. 216

At the request of Mr. MOYNIHAN, the name of the Senator from New York [Mr. SCHUMER] was added as a cosponsor of S. 216, a bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of foreign tax credits under the alternative minimum tax.

S. 281

At the request of Mr. HARKIN, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 281, a bill to amend the Tariff Act of 1930 to clarify that forced or indentured labor includes forced or indentured child labor.

S. 285

At the request of Mr. MCCAIN, the names of the Senator from Connecticut [Mr. DODD] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 296

At the request of Mr. FRIST, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 296, a bill to provide for continuation of the Federal research investment in a fiscally sustainable way, and for other purposes.

S. 343

At the request of Mr. BOND, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor 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. 424

At the request of Mr. COVERDELL, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 424, a bill to preserve and protect the free choice of individuals and employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 459

At the request of Mr. BREAUX, the names of the Senator from Nevada [Mr. BRYAN] and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 484

At the request of Mr. CAMPBELL, the name of the Senator from Illinois [Mr. FITZGERALD] was added as a cosponsor of S. 484, a bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

S. 566

At the request of Mr. LUGAR, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 566, a bill to amend the Agricultural Trade Act of 1978 to exempt agricultural commodities, livestock, and value-added products from unilateral economic sanctions, to prepare for future bilateral and multilateral trade negotiations affecting United States agriculture, and for other purposes.

S. 600

At the request of Mr. WELLSTONE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 600, a bill to combat the crime of international trafficking and to protect the rights of victims.

S. 632

At the request of Mr. DEWINE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 632, a bill to provide assistance for poison prevention and to stabilize the funding of regional poison control centers.

S. 654

At the request of Mr. WELLSTONE, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 654, a bill to strengthen the rights of workers to associate, organize and strike, and for other purposes.

S. 659

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 659, a bill to amend the Internal Revenue Code of 1986 to require pension plans to provide adequate notice to individuals whose future benefit accruals are being significantly reduced, and for other purposes.

S. 670

At the request of Mr. DODD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 670, a bill to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualifying placement agencies, and for other purposes.

S. 864

At the request of Mr. BINGAMAN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 864, a bill to designate April 22 as Earth Day.

S. 866

At the request of Mr. CONRAD, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 866, a bill to direct

the Secretary of Health and Human Services to revise existing regulations concerning the conditions of participation for hospitals and ambulatory surgical centers under the medicare program relating to certified registered nurse anesthetists' services to make the regulations consistent with State supervision requirements.

S. 872

At the request of Mr. VOINOVICH, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 872, a bill 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, and for other purposes.

S. 897

At the request of Mr. BAUCUS, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 897, a bill to providematching grants for the construction, renovation and repair of school facilities in areas affected by Federal activities, and for other purposes.

S. 980

At the request of Mr. BAUCUS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 980, a bill to promote access to health care services in rural areas.

S. 1010

At the request of Mr. JEFFORDS, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1010, a bill to amend the Internal Revenue Code of 1986 to provide for a medical innovation tax credit for clinical testing research expenses attributable to academic medical centers and other qualified hospital research organizations.

S. 1053

At the request of Mr. BOND, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

S. 1070

At the request of Mr. BOND, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1070, a bill to require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard, regulation or guideline on ergonomics.

S. 1084

At the request of Mr. MCCAIN, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 1084, a bill to amend the Communications Act of 1934 to protect consumers from the unauthorized switching of their long-distance service.

S. 1150

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1150, a bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment.

S. 1166

At the request of Mr. NICKLES, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1166, a bill to amend the Internal Revenue Code of 1986 to clarify that natural gas gathering lines are 7-year property for purposes of depreciation.

S. 1194

At the request of Mr. HUTCHINSON, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 1194, a bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors.

SENATE RESOLUTION 59

At the request of Mr. LAUTENBERG, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Florida [Mr. MACK], and the Senator from Utah [Mr. BENNETT] were added as cosponsors of Senate Resolution 59, a bill designating both July 2, 1999, and July 2, 2000, as ''National Literacy Day.''

SENATE RESOLUTION 115—EXPRESSING THE SENSE OF THE SENATE REGARDING UNITED STATES CITIZENS KILLED IN TERRORIST ATTACKS IN ISRAEL

Mr. ASHCROFT (for himself, Mr. SHELBY, Mr. SCHUMER, Mr. BURNS, Mr. KYL, and Mr. SPECTER) submitted the following resolution; which was referred to the committee on foreign relations:

S. RES. 115

Whereas the Palestinian Authority, in formal commitments made under the Oslo peace process, repeatedly has pledged to wage a relentless campaign against terrorism;

Whereas at least 12 United States citizens have been killed in terrorist attacks in Israel since the Oslo process began in 1993, and full cooperation from the Palestinian Authority regarding these cases has not been forthcoming;

Whereas at least 280 Israeli citizens have died in terrorist attacks since the Oslo process began, a greater loss of life than in the 15 years prior to 1993;

Whereas the Palestinian Authority has released terrorist suspects repeatedly, and suspects implicated in the murder of United States citizens have found shelter in the Palestinian Authority, even serving in the Palestinian police force;

Whereas the Palestinian Authority uses official institutions such as the Palestinian Broadcasting Corporation to train Palestinian children to hate the Jewish people; and

Whereas terrorist violence likely will undermine a genuine peace settlement and jeopardize the security of Israel and United States citizens in that country as long as incitement against the Jewish people and the State of Israel continues: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) it is the solemn duty of the United States and every Administration to bring to justice those suspected of murdering United States citizens in acts of terrorism;

(2) the Palestinian Authority has not taken adequate steps to undermine and eradicate terrorism and has not cooperated fully in detaining and prosecuting suspects implicated in the murder of United States citizens;

(3) Yasser Arafat and senior Palestinian leadership continue to create an environment conducive to terrorism by releasing terrorist suspects and inciting violence against Israel and the United States; and

(4) United States assistance to the Palestinian Authority should be conditioned on full cooperation in combating terrorist violence and full cooperation in investigating and prosecuting terrorist suspects involved in the murder of United States citizens.

SENATE RESOLUTION 116—CONDEMNING THE ARREST AND DETENTION OF 13 IRANIAN JEWS ACCUSED OF ESPIONAGE

Mr. FITZGERALD submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 116

Whereas 13 Iranian Jews were arrested on accusation of espionage, and have been detained since April, 1999;

Whereas the United States and Israel have dismissed the charges as false, denying any connection to the detainees;

Whereas Germany, as the current president of the European Union, has expressed its deep concern at the arrest of the 13 Iranian Jews, and Joschka Fischer, German Foreign Minister, has expressed his deep skepticism over the charges, and has called for the release of the 13 detainees;

Whereas the 13 detainees are rabbis and religious teachers, living in a Jewish community in a southern province of Iran, with no apparent ties to any type of espionage;

Whereas more than half the Iranian Jews have been forced to leave the country, and five Jews have been executed by Iranian authorities over the past five years, without receiving a trial;

Whereas Iran hanged two people convicted of spying for Israel and the U.S. in 1997, which implies impending danger for these 13 prisoners;

Whereas espionage is punishable by death in Iran:

Now, therefore be it

Resolved, That the Senate—

(1) condemns the arrest and detention of 13 Iranian Jews accused of spying for the United States and Israel; and

(2) calls upon the Iranian authorities to release these individuals immediately and without harm.

(3) calls upon the Iranian authorities to provide internationally accepted legal protections to all its citizens, regardless of their status or position.

• Mr. FITZGERALD. Mr. President, today I rise to submit a resolution condemning the arrest and detention of 13 Iranian Jews accused of espionage.

In April of this year, 13 rabbis and religious leaders were arrested at their

homes in the Iranian cities of Shiraz and Isfahan. According to the Israeli newspaper, Ha'aretz, the names of the detainees are David Tefilin, Doni Tefilin, Javid Beth Jacob, Farhad Seleh, Nasser Levi Haim, Asher Zadmehror, Navid Balazadeh, Nejat Beroukkhim, Aarash Beroukhim, Farzad Kashi, Faramaz Kashi, Shahrokh Pak Nahad, and Ramin (last name unknown). They have remained imprisoned since the time of their arrest, without charge, under accusation of spying for the United States and Israel, although they have no apparent ties to any type of espionage. Both the United States and Israel have dismissed the charges as false, denying any connection to the detainees. In addition to the United States, Israel, and Germany have denounced these arrests and Secretary of State Madeleine Albright as well as Joschka Fischer, the German Foreign Minister, have called for their release.

Iran's treatment of its Jewish residents in recent years has been deplorable, forcing half of its Jews to flee the country. In the past five years alone, five Jews have been executed by Iranian authorities, without the fundamental right of a trial. In 1997, Iran hanged two people convicted of spying,an event that emphasizes the extreme importance of timely action on the matter of these 13 detainees. Espionage is punishable by death in Iran, so the lives of these 13 people need our support and protection. The Iranian government's actions are deplorable and fly in the face of justice. This resolution condemns the arrests and calls upon Iran to release these 13 people immediately and without harm.●

SENATE RESOLUTION 117—EXPRESSING THE SENSE OF THE SENATE REGARDING THE UNITED STATES SHARE OF ANY RECONSTRUCTION MEASURES UNDERTAKEN IN THE BALKANS REGION OF EUROPE ON ACCOUNT OF THE ARMED CONFLICT AND ATROCITIES THAT HAVE OCCURRED IN THE FEDERAL REPUBLIC OF YUGOSLAVIA SINCE MARCH 24, 1999

Mr. CAMPBELL submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 117

Resolved,

SECTION 1. SENSE OF SENATE ON UNITED STATES SHARE OF RECONSTRUCTION COSTS.

It is the sense of the Senate that the United States share of the total costs of reconstruction measures carried out in the Federal Republic of Yugoslavia or contiguous countries, on account of the armed conflict and atrocities that have occurred in the Federal Republic of Yugoslavia since March 24, 1999, should not exceed the United States percentage share of the common-funded budgets of NATO.

SEC. 2. DEFINITIONS.

In this resolution:

(1) COMMON-FUNDED BUDGETS OF NATO.—The term ''common-funded budgets of NATO'' means—

(A) the Military Budget, the Security Investment Program, and the Civil Budget of NATO; and

(B) any successor or additional account or program of NATO.

(2) FEDERAL REPUBLIC OF YUGOSLAVIA.—The term ''Federal Republic of Yugoslavia'' means the Federal Republic of Yugoslavia (Serbia and Montenegro) and includes Kosovo.

(3) UNITED STATES PERCENTAGE SHARE OF THE COMMON-FUNDED BUDGETS OF NATO.—The term ''United States percentage share of the common-funded budgets of NATO'' means the percentage that the total of all United States payments during a fiscal year to the common-funded budgets of NATO represent to the total amounts payable by all NATO members to those budgets during that fiscal year.

Mr. CAMPBELL. Mr. President, today I submit the Kosovo Reconstruction Fair Share Resolution of 1999.

This resolution's goal is to express the sense of the Senate that the United States should not end up paying more than its fair share of the Kosovo reconstruction effort.

Specifically, the Kosovo Reconstruction Fair Share Resolution states that the United States' share of the costs of reconstructing Kosovo and the surrounding region following the conflict in the Balkans should not exceed the United States' portion of NATO's three ''Common Funds Burdensharing'' budgets.

Our contributions to NATO come in two basic forms. The first and most significant portion by far comprises our direct deployment of troops and equipment. Over the years America has contributed the lion's share of the troops and equipment.

America's disproportionally heavy burden has continued into the late 1990s as the War in Kosovo clearly demonstrated. The vast majority of the fighting needed to wage the war in Kosovo was done in large part by American air power. We should not have to also carry the burden in the Kosovo reconstruction effort.

That's why the Kosovo Reconstruction Fair Share Resolution states that America's portion of the reconstruction costs should not exceed the portion we contribute to NATO's three Common Fund Accounts, which is smaller than our contributions of troops and equipment.

Factors considered when determining each country's portion includes its respective Gross Domestic Product and other considerations. Over the past three decades the U.S. portion has declined, as it should.

For the years 1996 through 1998, America's contribution to these three NATO common funds averaged around 23 percent according to the Congressional Research Service. Accordingly, this resolution calls for capping our portion of the reconstruction costs at the same level of 23 percent.

In light of the fact that we carried the vast majority of the burden in ending the fighting I think that this is still too much. Perhaps 10 percent is a fairer share. It is time for our European allies to do their fair share.

Following World War Two, a war that would not have been won without America, the American people invested in the Marshall Plan. The Marshall Plan was vital in the effort to rebuild Europe from the ashes of WWII. Fifty years later we won the Cold War. Now, just yesterday, we put an end to the fighting in Kosovo. It is time for our NATO European allies to shoulder the financial burden to rebuild a region of their own continent that has been ravaged by war.

The Kosovo Reconstruction Fair Share Resolution indicates that America will not pay more than our fair share. I urge my colleagues to support passage of this legislation.

AMENDMENTS SUBMITTED

Y2K ACT

EDWARDS AMENDMENT NO. 619

Mr. EDWARDS proposed an amendment to amendment No. 608 proposed by Mr. MCCAIN to the bill (S. 96) to regulate commerce between and among the several States by providing for the orderly resolution of disputes arising out of computer-based problems relating to processing data that includes a 2-digit expression of the year's date; as follows:

Strike Section 12 and insert the following:

''SEC. 12. DAMAGES IN TORT CLAIMS.

''A party to a Y2K action making a tort claim may only recover for economic losses to the extent allowed under applicable state or federal law in effect on January 1, 1999.''.

EDWARDS AMENDMENT NO. 620

Mr. EDWARDS proposed an amendment to amendment No. 608 proposed by Mr. MCCAIN to the bill, S. 96, supra; as follows:

On page 7, line 17, after ''capacity'' strike ''.'' and insert:

''; and

''(D) does not include an action in which the plaintiff's alleged harm resulted from an actual or potential Y2K failure of a product placed without reasonable care into the stream of commerce after January 1, 1999, or to a claim or defense related to an actual or potential Y2K failure of a product placed without reasonable care into the stream of commerce after January 1, 1999. However, Section 7 of this Act shall apply to such actions.''

BOXER AMENDMENT NO. 621

Mrs. BOXER proposed an amendment to amendment No. 608 proposed by Mr.

MCCAIN to the bill, S. 96, supra; as follows:

In section 7(e) insert at the end the following:

(5) SPECIAL RULE.—

(A) IN GENERAL.—With respect to a defendant that is a manufacturer of a device or system (including any computer system and any microchip or integrated circuit embedded in another device or product), or any software, firmware, or other set or collection of processing instructions to process, to calculate, to compare, to sequence, to display, to store, to transmit, or to receive year-2000 date-related data that experienced a Y2K failure, the defendant shall, during the remediation period provided in this subsection—

(i) make available to the plaintiff a repair or replacement, if available, at the actual cost to the manufacturer, for a device or other product that was first introduced for sale after January 1, 1990 and before January 1, 1995; and

(ii) make available at no charge to the plaintiff a repair or replacement, if available, for a device or other product that was first introduced for sale after December 31, 1994.

(B) DAMAGES.—If a defendant fails to comply with this paragraph, the court shall consider that failure in the award of any damages, including economic loss and punitive damages.

INHOFE AMENDMENT NO. 622

Mr. GORTON (for Mr. INHOFE) proposed an amendment to the bill S. 96, supra; as follows:

On page 11, between lines 22 and 23, insert the following:

(6) APPLICATION TO ACTIONS BROUGHT BY A GOVERNMENTAL ENTITY.—

(1) IN GENERAL.—To the extent provided in this subsection, this Act shall apply to anaction brought by a governmental entity described in section 3(1)(C).

(2) DEFINITIONS.—In this subsection:

(A) DEFENDANT.—

(i) IN GENERAL.—The term ''defendant'' includes a State or local government.

(ii) STATE.—The term ''State'' means each of the several States 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.

(iii) LOCAL GOVERNMENT.—The term ''local government'' means—

(I) any county, city, town, township, parish, village, or other general purpose political subdivision of a State; and

(II) any combination of political subdivisions described in subclause (I) recognized by the Secretary of Housing and Urban Development.

(B) Y2K UPSET.—The term ''Y2K upset''—

(i) means an exceptional incident involving temporary noncompliance with applicable federally enforceable measurement or reporting requirements because of factors related to a Y2K failure that are beyond the reasonable control of the defendant charged with compliance; and

(ii) does not include—

(I) noncompliance with applicable federally enforceable requirements that constitutes or would create an imminent threat to public health, safety, or the environment;

(II) noncompliance with applicable federally enforceable requirements that provide for the safety and soundness of the banking or monetary system, including the protection of depositors;

(III) noncompliance to the extent caused by operational error or negligence;

(IV) lack of reasonable preventative maintenance; or

(V) lack of preparedness for Y2K.

(3) CONDITIONS NECESSARY FOR A DEMONSTRATION OF A Y2K UPSET.—A defendant who wishes to establish the affirmative defense of Y2K upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that—

(A) the defendant previously made a good faith effort to effectively remediate Y2K problems;

(B) a Y2K upset occurred as a result of a Y2K system failure or other Y2K emergency;

(C) noncompliance with the applicable federally enforceable measurement or reporting requirement was unavoidable in the face of a Y2K emergency or was intended to prevent the disruption of critical functions or services that could result in the harm of life or property;

(D) upon identification of noncompliance the defendant invoking the defense began immediate actions to remediate any violation of federally enforceable measurement or reporting requirements; and

(E) the defendant submitted notice to the appropriate Federal regulatory authority of a Y2K upset within 72 hours from the time that it became aware of the upset.

(4) GRANT OF A Y2K UPSET DEFENSE.—Subject to the other provisions of this subsection, the Y2K upset defense shall be a complete defense to any action brought as a result of noncompliance with federally enforceable measurement or reporting requirements for any defendant who establishes by a preponderance of the evidence that the conditions set forth in paragraph (3) are met.

(5) LENGTH OF Y2K UPSET.—The maximum allowable length of the Y2K upset shall be not more than 15 days beginning on the date of the upset unless granted specific relief by the appropriate regulatory authority.

(6) VIOLATION OF A Y2K UPSET.—Fraudulent use of the Y2K upset defense provided for in this subsection shall be subject to penalties provided in section 1001 of title 18, United States Code.

(7) EXPIRATION OF DEFENSE.—The Y2K upset defense may not be asserted for a Y2K upset occurring after June 30, 2000.

At the appropriate place, insert the following:

SEC. . CREDIT PROTECTION FROM YEAR 2000 FAILURES.

(a) IN GENERAL.—No person who transacts business on matters directly or indirectly affecting mortgages, credit accounts, banking, or other financial transactions shall cause or permit a foreclosure, default, or other adverse action against any other person as a result of the improper or incorrect transmission or inability to cause transaction to occur, which is caused directly or indirectly by an actual or potential Y2K failure that results in an inability to accurately or timely process any information or data, including data regarding payments and transfers.

(b) SCOPE.—The prohibition of such adverse action to enforce obligations referred to in subsection (a) includes but is not limited to mortgages, contracts, landlord-tenant agreements, consumer credit obligations, utilities, and banking transactions.

(c) ADVERSE CREDIT INFORMATION.—The prohibition on adverse action in subsection (a) includes the entry of any negative credit information to any credit reporting agency, if the negative credit information is due directly or indirectly by an actual or potential disruption of the proper processing of financial responsibilities and information, or the inability of the consumer to cause payments to be made to creditors where such inability is due directly or indirectly to an actual or potential Y2K failure.

(d) ACTIONS MAY RESUME AFTER PROBLEM IS FIXED.—No enforcement or other adverse action prohibited by subsection (a) shall resume until the obligor has a reasonable time after the full restoration of the ability to regularly receive and dispense data necessary to perform the financial transaction required to fulfill the obligation.

(e) SECTION DOES NOT APPLY TO NON-Y2K-RELATED PROBLEMS.—This section shall not affect transactions upon which a default has occurred prior to a Y2K failure that disrupts financial or data transfer operations of either party.

(f) ENFORCEMENT OF OBLIGATIONS MERELY TOLLED.—This section delays but does not prevent the enforcement of financial obligations.

SESSIONS AMENDMENT NO. 623

Mr. SESSIONS proposed an amendment to amendment No. 608 proposed by Mr. MCCAIN to the bill, S. 96, supra; as follows:

At an appropriate place, add the following section:

SEC. . ADMISSIBLE EVIDENCE ULTIMATE ISSUE IN STATE COURTS.

Any party to a Y2K action in a State court in a State that has not adopted a rule of evidence substantially similar to Rule 704 of the Federal Rules of Evidence may introduce in such action evidence that would be admissible if Rule 704 applied in that jurisdiction.

GREGG (AND BOND) AMENDMENT NO. 624

Mr. GREGG (for himself and Mr. BOND) proposed an amendment to amendment No. 608 proposed by Mr. MCCAIN to the bill, S. 96, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SUSPENSION OF PENALTIES FOR CERTAIN YEAR 2000 FAILURES BY SMALL BUSINESS CONCERNS.

(a) DEFINITIONS.—In this section—

(1) the term ''agency'' means any executive agency, as defined in section 105 of title 5, United States Code, that has the authority to impose civil penalties on small business concerns;

(2) the term ''first-time violation'' means a violation by a small business concern of a Federal rule or regulation resulting from a Y2K failure if that Federal rule or regulation had not been violated by that small business concern within the preceding 3 years; and

(3) the term ''small business concern'' has the meaning given such term in section 3 of the Small Business Act (25 U.S.C. 632).

(b) ESTABLISHMENT OF LIAISONS.—Not later than 30 days after the date of enactment of this section each agency shall—

(1) establish a point of contact within the agency to act as a liaison between the agency and small business concerns with respect to problems arising out of Y2K failures and compliance with Federal rules or regulations; and

(2) publish the name and phone number of the point of contact for the agency in the Federal Register.

(c) GENERAL RULE.—Subject to subsections (d) and (e), no agency shall impose any civil

money penalty on a small business concern for a first-time violation.

(d) STANDARDS FOR WAIVER.—In order to receive a waiver of civil money penalties from an agency for a first-time violation, a small business concern shall demonstrate that—

(1) the small business concern previously made a good faith effort to effectively remediate Y2K problems;

(2) a first-time violation occurred as a result of the Y2K system failure of the small business concern or other entity, which affected the small business concern's ability to comply with a federal rule or regulation;

(3) the first-time violation was unavoidable in the face of a Y2K system failure or occurred as a result of efforts to prevent the disruption of critical functions or services that could result in harm to life or property;

(4) upon identification of a first-time violation, the small business concern initiated reasonable and timely measures to remediate the violation; and

(5) the small business concern submitted notice to the appropriate agency of the first-time violation within a reasonable time not to exceed 7 business days from the time that the small business concern became aware that a first-time violation had occurred.

(e) EXCEPTIONS.—An agency may impose civil money penalties authorized under Federal law on a small business concern for a first-time violation if the small business concern fails to correct the violation not later than 6 months after initial notification to the agency.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Senate Subcommittee on Forests and Public Land Management.

The hearing will take place on Wednesday, June 30, 1999 at 2:00 p.m. in SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to conduct general oversight of the United States Forest Service Economic Action Programs.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224–6170.

AUTHORITY OF COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSE, AND HOUSING, AND URBAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, June 10, 1999, to conduct a hearing on ''Export Control Issues in the Cox Report.''

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

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. GORTON. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science and Transportation be authorized to meet on Thursday, June 10, 1999, at 9:30 a.m. on S. 798–the PROTECT Act (Promote online transactions to encourage commerce and trade).

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, June 10, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the report of the National Recreation Lakes Study Commission.

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

COMMITTEE ON FINANCE

Mr. GORTON. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Thursday, June 10, 1999 beginning at 10:00 a.m. in room 215 Dirksen.

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

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that the Government Affairs Committee be permitted to meet on Thursday, June 10, 1999 at 10:00 a.m. for a hearing on Dual-Use and Munitions List Export Control Processes and Implementation at the Department of Energy.

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

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''ESEA: Special Populations'' during the session of the Senate on Thursday, June 10, 1999, at 10:00 a.m.

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

COMMITTEE ON THE JUDICIARY

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for a hearing re The Competitive Implications of the Proposed Goodrich/Coltec Merger, during the session of the Senate on Thursday, June 10, 1999, at 2:00 p.m., in SD226.

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

COMMITTEE ON THE JUDICIARY

Mr. GORTON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet for an executive business meeting during the session of the Senate on Thursday, June 10, 1999.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. GORTON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday June 10, 1999 at 2:00 p.m. to hold a hearing on intelligence matters.

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

SUBCOMMITTEE ON INVESTIGATIONS

Mr. GORTON. Mr. President, I ask unanimous consent that the Governmental Affairs Committee's Permanent Subcommittee on Investigations be permitted to meet on Thursday, June 10, 1999 at 2:00 p.m. for a hearing on the topic of ''Home Health Care: Will the New Payment System & Regulatory Overkill Hurt Our Seniors?''

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. GORTON. Mr. President, I ask unanimous consent that subcommittee on Near Eastern and South Asian Affairs authorized to meet during the session of the Senate on Thursday June 10, 1999 at 10:00 a.m. to hold a hearing.

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

ADDITIONAL STATEMENTS

REGARDING HORATIO ALGER AWARD RECIPIENT LESLIE JONES

• Mr. FRIST. Mr. President, on March 9th of this year, 105 students—out of 80,000 applicants nationwide—were selected to receive the prestigious Horatio Alger Award, an honor bestowed each year on students and adults who excel despite significant adversity.

One of those recipients was Leslie Jones, a 16-year-old student from White Station High School in Memphis, Tennessee who, despite brain surgery to remove a tumor and medical complications that damaged her vision and rendered her facial muscles incapable of managing even a smile, will nevertheless graduate with her class this year—with honors. Her high school was also recognized as a Horatio Alger School of Excellence.

Despite physical setbacks that kept her from attending classes, Leslie used a homebound teacher to keep up with her studies. When her eyes crossed and refused to cooperate, she—as her teacher described it—''just covered one eye with her palm and continued on.'' When asked if the homework was too much, Leslie never once said yes, even when some work had to be done over because faulty vision caused her to miss some lines on the page.

In the essay which helped her win the competition over tens of thousands of others, Leslie wrote that despite the pity, the lack of understanding, and even the alienation of other people, she never once lost faith in her own ability to focus on her goals. ''In my heart,'' she said, ''I know my dreams are greater than the forces of adversity and I trust that, by the way of hope and fortitude, I shall make these dreams a reality.''

And so she has. Yet, what is perhaps even more remarkable than the courage and determination with which she pursued her dreams, is the humility with which she has accepted her hard-earned reward.

When 1,900 students gathered to honor her achievement, she downplayed her accomplishment saying instead that everyone possesses the same ability to rise above adversity. Rather than dwell on her medical problems, she insists that they don't define who she is.

Emphasizing the power of positive thinking, the Italian author, Dr. Piero Ferrucci, once observed, ''How often—even before we begin—have we declared a task 'impossible'? How often have we construed a picture of ourselves as inadequate? A great deal depends upon the thought patterns we choose and on the persistence with which we affirm them.''

Mr. President, Leslie Jones stands as a testament to the truth of those words just as surely as White Station High School proves that public institutions committed to helping students achieve can be a major influence in helping them shape a positive future for themselves and others. Both the school, and especially the student, deserve our admiration, our praise, and our thanks—all of which I enthusiastically extend on behalf of all the people of Tennessee and, indeed, all Americans everywhere.●

TRIBUTE TO GOVERNOR JOHN McKEITHEN

● Mr. BREAUX. Mr. President, last week Louisiana lost of one its most prominent sons. An era passed into history with the death of former Governor John McKeithen, who served his state with distinction as governor during the turbulent years of 1964 to 1972.

When he died at the age of 81 in his hometown of Columbia, Louisiana, on the banks of the Ouachita River, John McKeithen left a legacy of accomplishment as governor that will likely not be matched in our lifetime. As one political leader observed last week, with John McKeithen's death ''we have witnessed the passing of a giant, both in physical stature and in character.''

Indeed, McKeithen was not affectionately called ''Big John'' for nothing. Like most great leaders, he thought big and acted big.

Louisiana was blessed with John McKeithen's strong, determined leadership at a time when a lesser man, with lesser convictions, might have exploited racial tensions for political gain.

In fact, throughout the South, McKeithen had plenty of mentors had he wanted to follow such a course. But Governor McKeithen was decent enough, tolerant enough and principled enough to resist any urge for race baiting. In his own, unique way, to borrow a phrase from Robert Frost, he took the road less traveled and that made all the difference.

John McKeithen's wise, moral leadership at a time of tremendous social and economic transformation in Louisiana stands as his greatest accomplishment in public life. Not only did he encourage the citizens of Louisiana to tolerate and observe the new civil rights laws passed by Congress in the mid-1960s, he worked proactively to bring black citizens into the mainstream of Louisiana's political and economic life.

Hundreds of African-Americans will never forget the courageous way that National guardsmen under John McKeithen's command protected them from harm as they marched from Bogalusa to the State Capitol in the mid-1960s in support of civil rights. And generations of African-American political leaders will always have John McKeithen to thank for the way he helped open door of opportunity to them and their predecessors.

But racial harmony will not stand as Governor McKeithen's only legacy. All of Louisiana has ''Big John'' to thank for the way our state has become one of the world's top tourist destinations by virtue of the construction in the early 1970s of the Louisiana Superdome. To many—those who did not dream as big as ''Big John''—the idea of building the world's largest indoor arena seemed a folly, sure to fail. But like a modern-day Noah building his ark, McKeithen endured the taunts and jeers of his critics while he forged ahead—sure that his vision for the success of the Superdome was sound.

And today, more than a quarter century later, the citizens of Louisiana, particularly those in New Orleans, are only beginning to understand the enormous economic benefits that Louisiana had reaped by virtue of the Superdome and the world-wide attention and notoriety it has brought to New Orleans.

Even at that time, Louisiana's citizens recognized that there was something unique and very special about their governor. And so it was for that reason that they amended the state's Constitution to allow him to become the first man in the state's history to serve two consecutive terms in the Governor's Mansion.

Senator LANDRIEU and I doubt that we will ever see the likes of John McKeithen again—a big man, with a big heart, who dreamed big dreams and left an enormous legacy in his wake. We know that all our colleagues join us in expressing their deepest sympathy to his wife, Marjorie, his children and his grandchildren.●

TRIBUTE TO ELLIOTT HAYNES

● Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Elliott Haynes, a great American and Vermonter, who passed away on May 19, of this year. Elliott served his country and his community in so many ways, and I feel blessed to have known him.

Elliot and I came from similar backgrounds: he lived in my home town of Shrewsbury, Vermont, where we both served on the volunteer fire department; we received our BA's at Yale; and we both served our country in the Navy.

The list of contributions Elliott made to the International, National, and local arenas is impressive not only for its length, but also for its variety. This tribute can only touch on a few of them, but I hope the highlights will give the Senate an impression of how great a man we have lost. He began his career writing for the United Nations World Magazine. In 1954, Elliott co-founded the Business International Corporation in New York. Its purpose was to provide information and to help those who worked in the worldwide economic market. In addition to being the co-founder, he also served as the Director, Managing Editor, Editor-in-Chief, and as Chairman of the Board.

In 1959, Elliott joined a group of executives called the ''Alliance for Progress,'' who advised then President-Elect Kennedy on US business policy towards Latin America. He then served as the President of the Council for the International Progress of Management and as the Chairman of the Board of the International Management Development Institute, a non-profit organization devoted to managerial training in Africa and Latin American.

Elliott was also the manager of numerous International business round tables held throughout the years. While all of these activities would be enough work for two people, Elliott found time to create the US branch of the AIESEC-US, an International organization which gave university students the opportunity to train in businesses throughout the world. Later on in his life, he served as their International Chairman and was inducted into their Hall of Fame. Throughout all of this, he served as an advisor and occasional lecturer for various business schools, including Indiana University, Pace University, and Harvard Business School.

Elliott Haynes was also very active in the State of Vermont. He was a member the Rutland Rotary, served on the Board of Directors of the Visiting

Nurses Association and was Chair of the Board of the Vermont Independence Fund, which provided seed money to organizations which helped the elderly and disabled lead more active and independent lives.

And while Elliott's list of business accomplishments is phenomenal, it was his ability to turn a personal tragedy into an inspiration for others that is his greatest legacy. In 1994 he was diagnosed with Parkinson's Disease, and from that moment on, he devoted his life to improving the lives of others with the disease. In 1997, Elliott founded the Rutland Regional Parkinson's Support Group in 1997. He brought the needs and concerns of those with Parkinson's Disease to the attention of the Senate Health, Education, Labor and Pensions Committee, which I chair. Elliott was essential in getting legislation passed which provides federal money for research into this crippling disease. I am so proud to have worked with him on this landmark legislation and I only wish he could have lived to see the fruits of his labor.

Elliott Haynes was a wonderful and influential man who's life touched thousands of people in direct and indirect ways. He will be remembered as a man who gave wholly of himself and who was willing to go the extra mile for his friend and neighbor, regardless of whether it was a neighbor in Shrewsbury or a ''neighbor'' halfway around the world. Elliott Haynes will be deeply missed.●

BOYCOTT THE ALTERNATIVE ICE CREAM PARTY

● Mr. KOHL. Mr. President, I rise today to request a boycott by all Senators to the ''Alternative Ice Cream Party'' being sponsored by Senators from the Northeastern United States. The ''Party'' is designed to rally support for the Northeast Interstate Dairy Compact. The dairy compact that was eliminated by the recently revised milk marketing orders has cost consumers in the Northeast over $60 million and cost child and nutrition programs an additional $9 million. If proposals to expand dairy compacts to 27 states this year are adopted, it will force 60% of the consumers in the nation to pay an additional $2 billion, that's correct, $2 billion a year in higher milk prices. And while the Northeast's consumers are purchasing overpriced milk, Wisconsin is losing dairy farmers by the day—over 7,000 in the past few years.

Mr. President, rather than ice cream, the Northeast Senators should give away cow manure instead: At leastthen the freebies would have some relation to the legislation they are pushing. There are many other areas of concern I have in regard to this issue, particularly why the hard-working cows in the Northeast are not seeing the money from the extra profits that the large processors are making. I am surprised that animal rights and labor activists have not raised issue with the long hours worked and extra milk that cows in the Northeast are forced to produce. I am doubly surprised that my good friends from the Northeast can sit in Washington eating free ice cream while poor children in New England end up paying more for their school lunch milk because of the dairy compact.

If we as the United States can no longer expect to give a fair (milk) shake to dairy farmers and consumers across the country, then maybe it is time for the Northeast to secede from the Union. Maybe Canada would be willing to accept them. But then, of course, the North American Free Trade Agreement would require them to practice free trade and eliminate the dairy compact.●

TRIBUTE TO MICHAEL DROBAC

● Mr. SMITH of Oregon. Mr. President, I rise today to thank a departing member of my staff for his contributions to the State of Oregon. Michael Drobac, who currently serves as my legislative aide for defense, labor and judiciary issues, is a native of Eugene, Oregon. Michael received his undergraduate and graduate degrees from Stanford University and has been a highly valued aide in my office since my election to the United States Senate.

In my short time in the Senate, I have grown to expect and receive unadorned direct advice from Michael on a variety of issues and projects helping Oregonians. He has worked tirelessly on drug control issues and judicial appointments. Michael has worked attentively with affected Oregon communities and the Department of the Army to resolve safety and economic issues surrounding the Chemical Demilitarization program at the Umatilla Depot in Oregon. His advice and work on defense related issues on both the national level and in conjunction with Oregon's fine National Guard has always been exemplary.

Michael, is returning to Oregon to attend Law School at the University of Oregon. I wish him well and do not doubt that Michael will put his law degree to good work. I join my staff in thanking him for his time and expertise. Given his background, good character and passion for public service, I would not be surprised to see Michael's return to Washington, DC, sometime in the future, working again on behalf of the state of Oregon.●

COMMEMORATING THE 80TH ANNIVERSARY OF THE AMERICAN LEGION

● Mr. JOHNSON. Mr. President, as we enter the twilight of the Twentieth Century, we can look back at the immense multitude of achievements that led to the ascension of the United States of America as the preeminent nation in modern history. We owe this title as world's greatest superpower in large part to the twenty-five million men and women who served in our armed services and who defended the principles and ideals of our nation.

Before we embark upon the Twenty-First Century, the American Legion will celebrate its 80th anniversary serving our nation's veterans. Since the first gathering of American World War I Doughboys in Paris, France on March 15th, 1919, the American Legion has upheld the values of freedom, justice, respect and equality. The American Legion eventually was chartered by Congress in 1919 as a patriotic, mutual-help, war-time veterans organization. A community-service organization which now numbers nearly 3 million members—men and women—in nearly 15,000 American Legion Posts worldwide.

The American Legion's support for our nation's veterans has been exemplary over the last eighty years. Shortly after it's founding, the American Legion successfully lobbied for the creation of a federal veterans bureau. With the American Legion's support, the agency developed a veterans hospital system in the 1930s. In 1989, another American Legion plan became reality: the elevation of the Department of Veterans Affairs as a cabinet-level agency. The American Legion also successfully advocated for the compensatory rights of veterans, victims of atomic radiation, PTSD, Agent Orange, and Persian Gulf syndrome.

Over the past eighty years, the American Legion also has been active in promoting the values of patriotism and competition with our nation's young people. There are many sons and daughters participating in American Legion sponsored programs such as American Legion Boys and Girls State, Boys and Girls Nation, the National High School Oratorical Contest, and the Junior Shooting Sports and American Legion Baseball.

Throughout my service in Congress, I have long appreciated the leadership of the South Dakota American Legion for its input on a variety of issues impacting veterans and their families in recent years. The American Legion's insight and efforts have proven very valuable to me and my staff, and I commend each and every one of them for their leadership on issues of importance to all veterans of the armed forces.

Mr. President, as Americans, we should never forget the men and women who served our nation with such dedication and patriotism. I close my remarks by offering my gratitude and support for all the achievements performed by the American Legion. For eighty years now, the American

Legion has been the standard bearer in the representation of our veterans. I want to extend my sincerest appreciation to the American Legion for its continued leadership.●

ELIZABETH BURKE

● Mr. SANTORUM. Mr. President, I rise today to recognize Elizabeth Burke, who has been chosen as a 1999 Community Health Leader by the Robert Wood Johnson Foundation for her efforts to combat domestic violence. As one of 10 outstanding individuals selected each year to receive this distinguished award for finding innovative ways to bring health care to communities whose needs have been ignored and unmet, Ms. Burke's work on behalf of domestic violence victims has become a national model.

A former victim of domestic violence, Elizabeth Burke was hired to start up the Domestic Violence Medical Advocacy Project at Mercy Hospital in Pittsburgh in 1994. The project is a joint effort between Mercy Hospital and the Women's Center and Shelter of Greater Pittsburgh, and since its start five years ago, the hospital has increased the identification of domestic violence victims by more than 500 percent. Women are offered counseling, education, shelter and employment programs in the 24 hour, 40 bed facility. The Center screens all women who are admitted into the hospital, identifying domestic violence victims at a point when they are most receptive to help.

Ms. Burke is responsible for training hundreds of physicians, nurses, social workers as well as others in prevention diagnosis, treatment and advocacy for victims of domestic violence. Since coming to the project she has successfully bridged the gap between the domestic violence and medical fields to create a comprehensive response to victims of domestic violence. From emergency room screenings to follow-up services to an extensive prevention network, she ensures that abused women get help before the violence destroys their lives.

Ms. Burke's efforts don't stop there. She also chairs the Pennsylvania Coalition Against Domestic Violence and makes presentations on domestic violence to a broad community. In addition, she serves as adjunct faculty at the University of Pittsburgh, University of Missouri and West Virginia University.

Mr. President, many victims of domestic violence have been touched by Elizabeth Burke's compassionate spirit. I ask my colleagues to join with me in commending Ms. Burke for her extraordinary contribution to the Pittsburgh community and to all victims of domestic violence.●

YOUTH VIOLENCE

● Mr. LEVIN. Mr. President, our nation has been riveted by the violence in Littleton, CO and Conyers, GA and our youth's easy access to guns. Communities have become increasingly concerned about their own schools and are more sensitized to the dangers of youth violence. Yet, despite this scrutiny, firearms continue to claim the lives of our young people. Every day on the average, another 14 children in America are killed with guns because of the gaping loopholes in our Federal firearms laws. We took steps to eliminate some of these loopholes during Senate consideration of the juvenile justice bill. Unfortunately, the legislation passed by the Senate did not go far enough to reduce the easy availability of lethal weapons to persons who should not have them.

Today, I saw an ABC News Wire report called ''Michigan sting operation shows felons can buy guns.'' According to this report, two investigators in Michigan, one posing as a felon and the other as his friend, went to ten different firearms dealers to purchase guns. Remember, selling a gun to a felon is illegal but these investigators had no problems with the gun dealers they approached. Out of the 10 dealers in this investigation, nine reportedly allowed, apparently, illegal purchases. In total, 37 guns were apparently purchased illegally during this selling spree. And still, the NRA wants Congress to expand the loopholes in our firearms laws, rather than taking modest steps to close them.

Since the moment the Senate passed the Juvenile Justice bill, NRA lobbyists in Washington have been working around the clock to lobby Members of the House of Representatives. The NRA has named as its ''top priority, the defeat of any Lautenberg-style gun show amendment in the U.S. House.'' The Lautenberg amendment, adopted by the Senate, simply requires dealers at gun shows to follow the same rules as other gun dealers, by using the existing Brady system for background checks. It accomplishes this goal without creating any new burdens for law-abiding citizens and without any additional fees imposed on gun sellers or gun buyers. But the NRA wants to create additional loopholes by creating a special category of gun show dealers, who would be exempt from even the most minimum standards. They also want to weaken the bill by establishing a 24-hour limit on the time that vendors have to complete background checks, rather than the current standard of 3 business days, the time the FBI says is necessary. It will be a sad day if the NRA can successfully lobby the House to eliminate these moderate proposals in the Juvenile Justice bill.

I hope the House will amend its current bill to include language, passed by the Senate, to limit the importation of large capacity ammunition devices, clips that domestic companies were prohibited from manufacturing in 1994. Again, this is a moderate measure designed to keep clips with rounds as high as 250 off our streets and out of the hands of young people.

As the House begins their consideration of the juvenile justice bill next week, I hope it will strengthen, not weaken, the moderate gun control measures that we passed in the Senate. For example, Congress should take steps to prevent unintentional shootings, which occur as a result of unsafe storage of guns. These daily tragedies, resulting from the careless storage of guns, can easily be prevented by requiring the use of locking devices for guns, which are inexpensive and easy to use. We should also take steps to eliminate illegal gun trafficking and ban semiautomatic assault weapons and handguns for persons under 21 years of age.

The legislation passed in the Senate was a step in the right direction, but those moderate reforms are in jeopardy if Congress allows our legislative priorities to be dictated by the NRA.●

OUTSTANDING STUDENT—COURTENAY BURT

● Mr. BURNS. Mr. President, I rise today to acknowledge the achievements of an outstanding student from Kalispell, Montana. The Montana chapter of the American Association of University Women sponsors an annual essay contests for students in grades 11 and 12. The topic of the essays was ''Women in Montana History.''

Courtenay Burt, an Eleventh Grader at Bigfork High School, had her essay chosen as the best of all submitted in Montana. She writes about her grandmother, a woman of integrity and wisdom who died when Courtenay was only eight months old. Her essay tells us the story of a woman who grew up during the Great Depression, survived the often harsh climate of Montana, raised a family, earned the respect of her community, and maintained a healthy sense of humor throughout it all.

I ask that Courtenay Burt's essay ''Big Mama'' be printed in the RECORD.

The essay follows:

''OLD MAMA''

(By Courtenay Burt)

''Dear Courtenay, I wish you could only know how much I had looked forward to watching you grow up, but I guess that just wasn't meant to be. Not to worry, though—we'll get better acquainted later.'' My grandmother, who was affectionately referred to as ''Old Mama,'' wrote those words in a shaky hand just before she passed away in 1982. I was eight months old, then, and so I have no memories of her; instead I've borrowed the memories of those who knew and lover her, as I wish I could have. Through reminiscing with those close to her, I have discovered the courageous, colorful woman

my grandmother was and I have begun to paint a picture in my mind.

''Old Mama,'' was born Mary Katherine Emmert on February 7, 1918, in Kalispell, Montana. From an early age, it was apparent she would make her own decisions, and her strong will served her well. Using her active imagination, young Mary reportedly kept her parents as a full gallop.

Mary's adolescent years might have been similar to any of ours, but they were marked by the hardships of the Great Depression, which began in 1929. ''Old Mama'' actually was one of those children who walked three miles to school in a blizzard. Like many, young Mary was eager to grow up. ''You always look up to the next step and think how grown up you would feel to be there, but when you get there, you don't feel any different than you ever did. I have found this to be the way with life,'' she stated in a paper for her English class at Flathead County High School.

As a young woman, Mary lived the American Dream: She married Tommy Riedel, a local boy, and they eventually had two children. The couple worked side by side building a home on family farmland south of Kalispell, and the years that followed were typical for a young family of the '50's: Tommy worked while Mary raised the children. There were neighborhood events, outdoors activities, and there were always the joys of the farm life. My mother recalls horseback rides with Old Mama on those long-ago summer evenings, dusk falling hazy and pink as they loped the long fields home.

Old Mama was a constant and steady support for her children. At one time she drove all the way to Nebraska to watch my mother compete in the National track finals. ''During those teen years, it was her never-failing presence more than her words that assured me of her love,'' my mother once wrote.

After Tommy had a sudden heart attack in his mid-forties and became disabled, Mary did not sit helplessly by. She inventoried her skills and went to work in Kalispell, becoming a legal secretary. She took great pride in her work. Years later, when it was fashionable for women to have more grandiose plans, my mother once made the mistake of remarking that she intended to be more than ''just a secretary.'' Old Mama gathered herself to full indignation and retorted that, indeed, *Christ* had been ''just a carpenter.''

Eventually, hard work and commitment opened a door for Mary Riedel. When the Justice of the Peace fell ill—for whom she'd been ''just a secretary''—Mary was appointed to act in his place. From all accounts, the job was perfect for her. ''Old Mama,'' had an uncanny ability to discern people's character and it served her well, as did her dry sense of humor. On one occasion, Mary intercepted a note that a previous offender had written to a friend who was due to appear in her court.

''Watch out for Mary Redneck,'' the note cautioned; it went on to complain of a substantial fine and a stern lecture. As Judge Mary read the note, all eyes were riveted on her. Slowly, Mary began to smile. Then she was laughing-tear streaming, gut-wrenching laughter. She returned the note to offender with the notation: ''Sorry. This seems to have gotten misdirected. Best wishes, Judge Mary Redneck.''

So often, in the shadow of life's triumphs come the cruel, unexpected twists. My grandmother was diagnosed with terminal cancer only a few years after being elected Justice of the Peace. Determined to battle the disease, she struggled to survive the ravages of chemotherapy. With all of her heart she fought, until she could see that it was time to give in with grace.

On the last evening, she gathered her family together. ''I told God I wanted ten more years,'' she said, that wry smile still working the corners of her mouth. ''But when you're dealing with Him . . . you have to compromise a little.'' To the end, Old Mama was indomitable.

On April 14, 1982, Mary Riedel was layed to rest. Although she is not here in person, herspirit lives on in the hearts of those who loved her; her strength, faith, and courage fire my imagination and warm my heart. Mary Riedel was a woman to be admired and remembered, and I am proud that she was my grandmother. She showed us how to live . . . and when the time came, she showed us how to die.

WORKS CITED

Beers, Burton F., *World History: Patterns of Civilization:* Prentice Hall; Englewood Cliffs, New Jersey; Needham, Massachusetts; Updated Edition, 1993.

The Bible, New International Version as written by the Apostles.

Burt, Justin, ''Mary Riedel: An Influencing Force in Montana History,'' *Women of Montana Essays 1991–1995;* American Association of University Women; Kalispell, Montana 1996.

Burt, Kathleen, ''Remembering Mary Redneck,'' an unpublished paper.

Burt, Kathleen, A personal interview.

Riedel, Mary, ''Pat,'' an unpublished autobiography.●

PLEASANT VIEW GARDENS

● Mr. SARBANES. Mr. Chairman, recently the Washington Post contained an article recognizing an innovative and successful approach to public housing in Baltimore, MD. Pleasant View Gardens, a new housing development, holds great promise as a new approach to public housing in the Nation.

The birth of this new project began in 1994, when the City of Baltimore in cooperation with the Department of Housing and Urban Development and the State of Maryland, made funds available for the demolition of Lafayette Courts and began the process of replacing it with the new Pleasant View Gardens. As the Washington Post reported, high rise buildings in the ''densest tract of poverty and crime in [Baltimore] city'' have been replaced by low-rise, low density public housing where in the evenings you hear ''the murmur of children playing on the jungle gym at sunset,. . .police officers [chat] with residents..[and] the street corners [are] empty.'' Residents who once referred to their housing as a ''cage,'' now allow their children to play outside.

Pleasant View offers homeownership opportunities and affordable rental housing to its residents as well as a medical clinic, a gymnasium, a job training center, an auditorium and includes a 110-bed housing complex for senior citizens. Pleasant View is part of a plan to replace more than 11,000 high-rise units in Baltimore with approximately 6,700 low-rise units to be completed by 2002, with remaining residents to be relocated throughout the city. I believe that the Pleasant View initiative offers a new path for public housing in the future and demonstrates that working with the community, the government can help to make an important difference. I ask that the full text of this article be printed in the RECORD.

The article follows:

[Washington Post, April 26, 1999.]

PLEASANT VIEW LIVES UP TO NAME—NEW PUBLIC HOUSING HAS LESS CRIME

(By Raja Mishra)

BALTIMORE.—On a recent April evening in the Pleasant View public housing development here, the ordinary was the extraordinary.

The only sound was the murmur of children playing on a jungle gym at sunset. Police officers chatted with residents on the sidewalk. Street corners were empty. Just over three years ago, Lafayette Towers stood on this spot five blocks northeast of the Inner Harbor. The half-dozen 11-story high-rise buildings were the densest tract of poverty and crime in the city.

Public planners trace the lineage of Lafayette Towers—and hundreds of high-rise buildings like them in other cities—to modernist European architects and planners of the post-World War II era. When the need for urban housing gave birth to such places, the term ''projects'' was viewed with favor.

Plasant View residents who once lived in Lafayette Towers had their own term for the buildings: cages. Life in the project remains seared in their memories.

''I had to lug groceries up to the 10th floor because the elevator was always broke,'' said Dolores Martin, 68. ''But you're afraid to go up the steps because you don't know who's lurking there.''

Eva Riley, 32, spent the first 18 years of her life in Lafayette Towers.

''It gives you a feeling of despair,'' she recalled. ''You're locked up in a cage with a fence around you and everything stinks.''

In Pleasant View, the federal government's more recent theories of public housing—which stress low-rise, lower density public housing rather than concentrations of massive high-rises—have been put to the test.

The physical layout of Pleasant View is the heart of the new approach. Each family has space: large apartments, a yard and a door of their own. There are no elevators or staircases to navigate. Playgrounds and landscaping fill the space between town houses. There is a new community center.

One year into the life of the new development, the results present a striking contrast to life in the old high-rise complex: Crime has plummeted. Drugs and homicide have all but disappeared. Employment is up.

''Folks are revitalized. The old is but, the new is in. And the new is much better,'' said Twyla Owens, 41, who lived in Lafayette Towers for six years and moved into Pleasant View last year.

''People who live here care about how it looks and keeping it safe,'' said Thomas Dennis, 63, who heads a group of volunteers that patrols Pleasant View. ''We all pull together. There was nothing like that at Lafayette.''

''Federal housing officials say they view Pleasant View as their first large-scale success in rectifying a disastrous decision half a century ago to build high-rise public housing.

''It's an acknowledgment that what existed before was not the right answer,'' said Deborah Vincent, deputy assistant secretary for

public housing at the Department of Housing and Urban Development.

The about-face is a welcome change for longtime critics of high-rise projects.

''I don't hold any real animosity to the people who sat down in the 1940s and planned Lafayette Towers,'' said Baltimore City Housing commissioner Daniel P. Henson III. ''But, boy, were they short-sighted.''

In retrospect, it seems as if the idea of the urban apartment project was destined to lead to problems, several housing experts said.

It concentrated the poorest of the poor in small spaces set apart from the rest of the city. The idea is thought to have originated with Le Corbusier, considered one of the giants of 20th century architecture.

Le Corbusier was grappling with the problem of crowding in big cities in France as populations swelled at the beginning of the century. Slums were rapidly expanding in urban areas. Rather than move housing outward, Le Corbusier thought it would be better to move it upward: high-rises. He conceived of them as little towns unto themselves, with commerce, recreation and limited self-government.

As hundreds of thousands of young Americans returned from World War II, eager to find transitional housing for their young families, and a mass migration began from the rural South to the urban North, Le Corbusier's thinking influenced a generation of U.S. policymakers.

In this country, cost became a central issue. The new projects were designed to house as many people as possible for as little money as possible.

''Who wanted to put poor people in lavish housing? So they used shoddy materials and were built poorly,'' said Marie Howland, head of the Urban Studies and Planning Department at the University of Maryland at College Park.

The tall high-rises soon because symbols of blight.

''Then the sigma of public housing increased because everyone could just point to the housing high-rises,'' said Sandra Neuman, interim director of the Institute for Policy Studies at Johns Hopkins University.

As the ex-servicemen departed for new suburban developments, many of the projects took on the appearance of segregated housing, particularly in cities south of the Mason-Dixon line. Baltimore housing department officials unearthed official city documents from the 1940s that refer to the planned high-rises as ''Negro housing.''

The most public initial concession that high-rise public housing had failed came on July 15, 1972, when the notorious Pruitt-Igoe projects of St. Louis were demolished with explosives.

High-rise projects have been crashing down across the country with increasing frequency in recent years. They have been replaced with low-rise, low-density public housing in 22 cities, including Alexandria, New York, Chicago, Philadelphia and Atlanta.

The $3 billion effort there aims to replace more than 11,000 high-rise units. HUD hopes to have all the construction done by 2002. Most of the new units will be town houses. There will be a few low-rise apartments and some stand-alone homes as well. Those who do not get space in the new units will be relocated in other, existing low-rise apartments.

The facilities reflect other shifts in public housing philosophy; social needs must also be addressed and a positive environment must be created.

Twenty-seven of the 228 homes in Pleasant View are owned by their occupants. The city is trying to coax some of the renters, as well as others, to buy. The idea is to have a mixed-income population with long-term responsibilities. All residents are required to have a job or be enrolled in job training.

''Before, you had too many people with too many social problems concentrated in one area. Here you have a mix of incomes,'' said U-Md.'s Howland.

Pleasant View has a new medical clinic, a gymnasium, a 110-bed housing complex for senior citizens, a job training center and an auditorium, where President Clinton recently delivered a speech on homelessness.

Pleasant View also has its own police force, a small cadre of officers from the Baltimore City Housing Authority police unit.From a small station in the community center, officers monitor the community using cameras that are mounted throughout the neighborhood.

In 1994, the last year Lafayette was fully operative, there were 39 robberies. In Pleasant View, there have been three. In 1994, there were 108 assaults; Pleasant View had seven. Lafayette had nine rapes, Pleasant View none.

Four hundred of the 500 people who lived in Lafayette Towers have returned to live in Pleasant View, among them Eva Riley. After a childhood in the high rises, she left as soon as she could afford subsidized housing in another part of the city, vowing never to raise her children in a place like Lafayette Towers.

But when she visited Pleasant View shortly after its construction, she decided to return to her old neighborhood with her children, Jerod, 13, and Lakeisha, 11.

''It's much safer,'' she said. ''I don't mind my kids playing outside in the evening.''●

25TH ANNIVERSARY OF THE VERMONT COUNCIL ON THE HUMANITIES

● Mr. JEFFORDS. Mr. President, I am pleased today to recognize the Vermont Council on the Humanities on the occasion of its 25th anniversary.

In 1965, Congress created the National Endowment for the Humanities (NEH) with the goal of promoting and supporting research, education, and public programs in the humanities. The mission of the NEH was to make the worlds of history, language, literature and philosophy a part of the lives of more Americans. Over the past three decades, the NEH has lived up to its founding mission and has made the humanities more accessible. As Chairman of the Senate Health, Education, Labor and Pensions Committee, which has jurisdiction over the agency, I have been extraordinarily proud to support NEH during my years in Congress.

NEH brings the humanities to our lives in many unique and exciting ways. NEH makes grants for preserving historic resources like books, presidential papers, and newspapers. It provides support for interpretive exhibitions, television and radio programs. The agency facilitates basic research and scholarship in the humanities. And NEH strengthens teacher education in the humanities through its summer institutes and seminars. Yet, in my view, one of the most important ways that NEH broadens our understanding of the humanities is through the support it provides for state humanities councils. These state humanities councils, at the grassroots level, encourage participation in locally initiated humanities projects. Every state has one, but few are as innovative, creative and self-sufficient as the Vermont Council on the Humanities.

Early on, the Vermont Council on the Humanities determined that the first step in engaging Vermonters in the humanities was to ensure that all Vermonters were able to read. The Vermont Humanities Council met this challenge head on and provided support for reading programs and book discussions targeted at people of all levels of literacy—from the Connections programs which serve adult new readers to the scholar-led discussions held in public libraries. In 1996, the Council initiated the Creating Communities of Readers program. Five Vermont communities received grants to help them achieve full literacy for their communities. This undertaking of ''creating a state in which every individual reads, participates in public affairs and continues to learn throughout life,'' involves an enormous commitment. Yet, undaunted by the enormity of the challenge, the Vermont Humanities Council stepped to the plate and hit a home run.

Vermont has taken quite literally the mission of bringing the humanities to everyone and, in doing so, the Vermont Council has distinguished itself as a national leader in promoting reading as a path towards participation in the humanities. Recently, the Vermont Council received a national award of $250,000 from the NEH to implement humanities based book discussions for adult new readers nationwide. Through this national Connections program, 14,000 children's books will become part of the home libraries of adults who are learning to read.

There is much we can gain from studying the humanities. The small amount of money that the federal government spends on NEH goes a long way toward building a national community. Coming together to learn from literature, learn from our past, and learn from each other is, in my view, an extraordinarily valuable use of our public dollars.

Twenty-five years ago, the Vermont Humanities Council chose the road less traveled, and that has made all the difference in Vermont and in the nation. The Council, with its focus on literacy, chose to experiment by developing new and different ways of bringing the humanities to all Vermonters. By choosing to move to the beat of its own

drum, the Vermont Humanities Council has become a unique and independent actor promoting the importance of literacy as a means of pursuing the humanities.

In honor of this twenty-fifth anniversary, I offer my sincere congratulations to the Vermont Council on the Humanities for a job well done. I would also like to offer a special note of gratitude to Victor Swenson and the Council's extraordinary Board of Directors. Victor's leadership and the commitment of the Board has made our Council a shining example of excellence. Keep up the good work.●

COMMEMORATING THE 100TH ANNIVERSARY OF THE VETERANS OF FOREIGN WARS

● Mr. JOHNSON. Mr. President, as we enter the twilight of the Twentieth Century, we can look back at the immense multitude of achievements that led to the ascension of the United States of America as the preeminent nation in modern history. We owe this title as world's greatest superpower in large part to the twenty-five million men and women who served in our armed services and who defended the principles and ideals of our nation.

Before we embark upon the Twenty-First Century, the Veterans of Foreign Wars (VFW) will celebrate an historic milestone. On September 29, the VFW will celebrate the 100th anniversary of the organization's founding. For over one hundred years, the VFW has supported our armed forces from the battlefields to the home front. From letter-writing campaigns in WWI to ''welcome home'' rallies after the Persian Gulf War to care packages sent to Bosnia, the VFW continues to take pride in supporting American troops overseas.

The VFW's support for our nation's armed forces has been exemplary over the last one hundred years, but it is the VFW's work with our nation's veterans that has been most impressive. The original intention of the VFW, in fact, was to ensure that the veterans of the Spanish-American war would not be forgotten and that they received medical care and support in return for their service and sacrifice. The VFW's motto, ''Honor The Dead By Honoring The Living'', resonates to this day and will carry forth into the next century. Since organizing the first national veterans service office in 1919, to today's nationwide network of service offices, the VFW provides the assistance veterans need in order to obtain much-deserved benefits.

To celebrate this prestigious occasion, a resolution, S. J. Resolution 21, has been introduced in the United States Senate designating September 29, 1999 as ''Veterans of Foreign Wars of the United States Day'', and the President of the United States is authorized and requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe the day with appropriate ceremonies, programs, and activities. I am a proud cosponsor of this resolution which honors the VFW's recognition of military service and remembrance of the sacrifices made in our nation's defense. I feel this resolution presents an opportunity to recognize, honor, and pay tribute to the more than 2,000,000 veterans of the armed forces represented by the VFW, and to all the individuals who have served in the armed forces

Throughout my service in Congress, I have long appreciated the leadership of both the South Dakota VFW and the Ladies Auxiliary for their input on a variety of issues impacting veterans and their families in recent years. Their insight and efforts have proven very valuable to me and my staff, and I commend each and every one of them for their leadership on issues of importance to all veterans of the armed forces. I was honored to have theVFW's strong support when I offered my amendment to increase veterans health care in this year's budget to $3 billion. Even though it wasn't the full amount of my amendment, the final Budget Resolution contained a $1.7 billion increase above what the Clinton Administration had requested for veterans health care. This never would have been possible without the grassroots support of the VFW.

Mr. President, as Americans, we should never forget the men and women who served our nation with such dedication and patriotism. I close my remarks by offering my gratitude and support for all the achievements performed by the Veterans of Foreign Wars. For a century, this organization has been the standard bearer in the representation of our veterans, as well as their undying patronage to our armed forces and support for the maintenance of a strong national defense.●

TRIBUTE TO ANTONIO J. PALUMBO

● Mr. SANTORUM. Mr. President, I rise today to recognize Antonio J. (Tony) Palumbo, a coal miner from Western Pennsylvania who humbly represents the generous spirit of community.

President and owner of the New Shawmut Mining company, Mr. Palumbo was born in Pennsylvania on June 14, 1906 and actively serves as a Trustee for La Roche College, Duquesne University, Carlow College, Gannon College, the Villa Nazareth School in Rome, Italy, and the Mayo Clinic Foundation for Medical Education and Research. He has also developed unique relationships with the Catholic Diocese of Erie, Elk County Christian High School, the Nicaraguan-American Nursing Collaboration, the Cystic Fibrosis Foundation, the Holy Family Institute and the Boy Scouts of St. Marys, PA.

Throughout his years of involvement at these institutions, Mr. Palumbo has gained the admiration and respect of the many students that he has come in contact with. His influence in their lives will be felt for many years to come.

Mr. Palumbo was recently presented with a Lifetime Achievement Award by the National Society of Fund Raising Executives. His efforts have helped build educational and health care facilities, endow research, provide scholarships, deliver care to the poor and support community initiatives. As varied as each of these causes are, they all reflect Tony Palumbo's compassion for the needs of others and his commitment to using his time and talents to enrich the lives of those around him.

Mr. President, I ask my colleagues to join with me in commending Tony Palumbo for the leadership and compassion that he has portrayed, as well as the platform that he has created for motivating the stewardship of others.●

75TH ANNIVERSARY OF THE FOREIGN SERVICE

● Mr. SARBANES. Mr. President, on May 24, 1924, President Calvin Coolidge signed into law the Rogers Act, establishing a unified corps of career diplomats to represent the United States abroad. Based on the principles of professionalism, non-partisanship and merit-based promotion, thus was born the modern foreign service.

This year we join in commemorating the 75th anniversary of the foreign service. Over the years there have been many changes: it has become more diverse, more specialized, and has been called to deal with an ever-expanding list of issues. While this milestone is an occasion for celebration and congratulations, there are some sobering reminders of the task that still awaits us. 1998 saw the worst attack on American diplomats in history, with two tragic bombings that resulted in the deaths of over 220 persons, twelve of them Americans. Here in Washington, we continue to contend with budget cuts that handicap the ability of our foreign service officers to perform their duties safely and effectively.

On the occasion of this anniversary, Secretary Albright hosted a dinner at the State Department as a tribute to the efforts of the brave men and women who have served over the past three-quarters of a century. In her speech, she challenged the unfortunate and inaccurate stereotypes of the foreign service and emphasized the urgency of providing adequate resources to promote U.S. interests abroad. I strongly agree with the thrust of her remarks, and I ask that the full text of her statement be printed in the RECORD.

The statement follows:

REMARKS BY SECRETARY OF STATE MADELEINE K. ALBRIGHT, 75TH ANNIVERSARY DINNER OF THE UNITED STATES FOREIGN SERVICE, MAY 24, 1999

Secretary Albright: It is indeed a pleasure to be able to first congratulate Nicholas (Bombay) for winning the essay contest. It's never too early in life to learn the value of strong diplomatic leadership, and although I didn't meet you until tonight, I already like the sound of the name Bombay preceded by the term ''Ambassador'' or ''Secretary of State.'' (Laughter.)

Congratulations, once again.

Thank you, Cokie, and good evening to all of you. It's a great pleasure to be able to spend the evening here with you, and I must say that a special pleasure for me to have had George Kennan on my right and Paul Sarbanes on my left—can't ask for much more. It has been a great evening to be able to exchange views.

Members of Congress and distinguished colleagues and friends, and so many of you who have contributed to the rich legacy of the modern US Foreign Service, as we mark our 75th anniversary, I want to begin by thanking Under Secretary Pickering for his remarks. There is really no better advertisement for what can be achieved in the Foreign Service than the career of Tom Pickering. From 1959 to 1999, as Cokie explained, he has served everywhere and done everything; and he's still doing it. Tom, the Foreign Service doesn't have a Hall of Fame, but it should, and you and others here tonight belong in it.

I also want to congratulate Ambassador Brandon Grove and Dan Geisler and Louise Eaton and our Director General, Skip Gnehm, our generous sponsors and everyone who helped to organize this magnificent event. It was a big job and everybody's done it terrifically well.

I especially endorse the conception of this anniversary as a challenge to look forward. Your goal of outreach through this essay contest and other initiatives is right ontarget, for if we are to match or surpass the accomplishments of the past 75 years, we must have the understanding and support of the American people. This requires that we tell the story of U.S. diplomacy clearly and well. It is to that purpose that I will attempt a modest contribution in my remarks here tonight.

Thank God I don't have to win any contests. [Laughter.]

I start with a simple request. Let us take the old, but persistent, stereotype of the diplomat as dilettante and do to it what one Presidential candidate wanted us to do to the tax code: let us drive a stake through it, kill it, bury it and make sure that it never rises again.

The job of the Foreign Service today is done with hands on and sleeves rolled up. It is rarely glamorous, often dangerous and always vital.

In my travels, I have seen our people at work not only in conference rooms, but in visits to refugee camps, AIDS clinics and mass grave sites. I have seen them share their knowledge and enthusiasm for democracy with those striving to build a better life in larger freedom.

I have seen them and their families give freely of their energy and time to comfort the ill and aid the impoverished. I have seen them provide incredible administrative support despite antiquated equipment, crowded workspace and impossible time constraints. And I've stood with head bowed at memorial services for heroes struck down while representing America or helping others to achieve peace. In the past 35 years, the number of names listed on the AFSA plaque has grown from 77 to 186. And the memory of those most recently inscribed, as Tom Pickering's toast reflected, is fresh and painful in our hearts.

So let us not be shy about proclaiming this truth. In a turbulent and perilous world, the men and women of the Foreign Service are on the front lines every day, on every continent for us. Like the men and women of our armed forces—no more, but no less—they deserve, for they have earned, the gratitude and full backing of the American people.

Now, having impaled that stereotype, let's proceed to the second challenge. Let us make clear to our citizens the connection between what we do and the quality of life they enjoy; let us demonstrate that there's nothing foreign about foreign policy any more.

Consult any poll, visit any community hall, listen to any radio talk show; it's no secret what Americans care about, fear and hope for the most. Certainly, foreign policy isn't everything. We cannot tell any American that our diplomacy will guarantee safe schools, clean up the Internet or pay for long term health care.

But we can say to every American that foreign policy may well help you to land agood job; protect your environment; safeguard your neighborhood from drugs; shield your family from a terrorist attack; and spare your children the nightmare of nuclear, chemical or biological war.

Our Foreign Service, Foreign Service National and Civil Service personnel contribute every day to America through the dangers they help contain, the crimes they help prevent, the deals they help close, the rightsthey help ensure and the travelers they just plain help. Right, Cokie?

There is much more we could say and 100 different ways to say it, but the bottom line is clear. The success or failure of U.S. foreign policy will be a major factor in the lives of all Americans. It will make the difference between a 21st Century characterized by peace, rising prosperity and law, and a more uncertain future in which our economy and security are always at risk; our values always under attack; and our peace of mind never assured.

To convince the public of this, we must erase another myth, which is that technology and the end of the Cold War have made diplomacy obsolete.

Some argue that Americans concluded after Vietnam that there was nothing we could do in the world; after the Berlin Wall fell, that there was nothing we could not do; and after the Gulf War, that there was nothing left to do. Others suggest that whatever we want to do, there is no need to be diplomatic about it. Our military is the best, our economy the biggest; so what's left to negotiate?

But as Walter Lippmann once wrote, ''Without diplomacy to prepare the way, soften the impact, reduce the friction and allay the tension, money and military power are double-edged instruments. Used without diplomacy, they may, and usually do, augment the difficulties they are employed to overcome. Then more power and money are needed.'' So spake Walter Lippmann.

The United States emerged from the Cold War with unequaled might. On every continent, when problems arise, countries turn to us. Few major international initiatives can succeed without our support.

But with these truths comes a paradox: In this new global era, there are few goals vital to America that we can achieve through our actions alone. In most situations, for most purposes, we need the cooperation of others; and diplomacy is about understanding others and explaining ourselves. It is about building and nourishing partnerships for common action toward shared goals. It's about listening and persuading, analyzing and moving in at the right time. And certainly, at this time, there is no shortage of important diplomatic work to be done.

As I speak, we are using diplomacy in support of force to bring the confrontation in Kosovo to an end on NATO's terms. We are launching a strategy for drawing the entire Balkans region into the mainstream of a democratic Europe. We are preparing for a new push on all tracks of the Middle East peace process. We have a high-level team inPyongyang to explore options for enhancing stability on the Korean Peninsula. And we're working hard to help democracy take a firmer hold in capitals such as Jakarta and Lagos, Bogota and Phnom Penh.

Around Africa, we are supporting African efforts to end conflicts and promote new opportunities for growth. And around the world, we are striving to prevent the spread of advanced technologies, so that the new century does not end up even bloodier than the old one.

Certainly, the diplomatic pace has quickened since 1924, when the Rogers Act was signed, Calvin Coolidge was President, the State Department's entire budget was $2 million and the Secretary of State had a beard. (Laughter.)

In that time, the door of the Foreign Service has opened further to minorities and women, although not far and fast enough. America's overseas presence has grown several fold, as has the demand for our consular services. Public diplomacy has become an integral part of our work. And we've learned that, merely to keep pace, we must constantly manage smarter, recruit better, adjust quicker and look ahead further.

That is why we are modernizing our technology, training in 21st Century skills and implementing a historic restructure of our foreign policy institutions. And it's why we know that the Foreign Service of 75 years from now—or even ten years from now—will look far different than the Foreign Service of today.

What has not and will not change are the fundamentals: the professionalism; the pride; the patriotism; the tradition of excellence reflected here tonight by the wondrous George Kennan and other giants of the Foreign Service. And what has not changed, as well, is the need for resources.

The problem of finding adequate resources for American foreign policy has been with us ever since the Continental Congress sent Ben Franklin to Paris. But it has reached a new stage.

Today, we allocate less than one-tenth of the portion of our wealth that we did a generation ago to support democracy and growth overseas. In this respect, we rank dead last among industrialized nations.

For years, we have been cutting positions, shutting AID missions and eliminating USIS posts. And now, under the year 2000 budget allocations that Congress is considering, we may be asked to go beyond absorbing cuts to the guillotine.

???e face overall reductions of 14 percent to 29 percent from the President's foreign operations request and 20 percent for State Department operations and programs. Yes, members of Congress, this is a commercial. This will undermine our efforts to protect

ourborders, help Americans overseas and make urgently needed improvements in embassy security. And it could translate into cuts of 50 percent or more in key programs from fighting drugs to promoting democracy to helping UNICEF.

Now, I'm not here to assign blame. We have gotten bipartisan support from those in Congress—including those with us tonight—who know the most about foreign policy. And Congress did approve the President's request for supplemental funds for Central America, Jordan and the Balkans.

But this is madness. America is the world's wealthiest and most powerful country. Our economy is the envy of the globe. We have important interests, face threats to them, and nearly everywhere.

And I hope you agree. Military readiness is vital, but so is diplomatic effectiveness. When negotiations break down, we don't send our soldiers without weapons to fight. Why, then, do we so often send our diplomats to negotiate without the leverage that resources provide? The savings yielded by successful diplomacy are incalculable. So are the costs of failed diplomacy—not only in hard cash, but in human lives.

Tonight, I say to all our friends on Capitol Hill, act in the spirit of Arthur Vandenberg and Everett Dirksen and Scoop Jackson and Ed Muskie: help us to help America. Provide us the funds we need to protect our people and to do our jobs. Let America lead!

As we look around this room, we see depictions of liberty's birth and America's transformation from wilderness to greatness.

From the adjoining balcony, we can see the memorials to Lincoln and Jefferson, the Washington Monument, the Roosevelt Bridge, the white stone markets of Arlington and the silent, etched, cloquent black wall of the Vietnam Wall.

It is said there is nothing that time does not conquer. But the principles celebrated here have neither withered nor worn. Through Depression and war, controversy and conflict, they continue to unite and inspire us and to identify America to the world.

From the Treaty of Paris to the round-the-clock deliberations of our own era, the story of US diplomacy is the story of a unique and free society emerging from isolation to cross vast oceans and to assume its rightful role on the world stage. It is the story of America first learning, then accepting and then acting on its responsibility.

Above all, it is the story of individuals, from Franklin onwards, who answered the call of their country and who have given their life and labor in service to its citizens.

As Secretary of State, the greatest privilege I have had has been to work with you, the members of the Foreign Service and others on America's team.

Together, tonight, let us vow to continue to do our jobs to the absolute best of our abilities, and to tell our stories in language and at a volume all can understand.

By so doing, we will keep faith with those who came before us, and we will preserve the legacy of liberty that was our most precious inheritance and must become our untarnished bequest.

To the men and women of the Foreign Service who are here this evening or at outposts around the world or enjoying their retirement, I wish you a happy 75th anniversary; and I pledge my best efforts for as long as I have breath, to see that you get the support and respect you deserve.

Thank you and happy birthday. (Applause.)●

TRIBUTE TO LEONARD AND MADLYN ABRAMSON FAMILY CANCER RESEARCH INSTITUTE

● Mr. SPECTER. Mr. President, I have sought recognition today to pay tribute to two distinguished Pennsylvanians, Leonard and Madlyn Abramson, upon the establishment of the Abramson Family Cancer Research Institute at the University of Pennsylvania Cancer Center. The $100 million commitment from The Abramson Family Foundation—the largest single contribution for cancer research to a National Cancer Institute-designated comprehensive cancer center—supports the unprecedented expansion of cancer research, education and patient care at Penn's Cancer Center.

The Abramson Family Foundation is a trust fund directed by Leonard and Madlyn Abramson. Mr. Abramson is the founder and former chairman and CEO of U.S. Healthcare, Inc. Best known for his accurate predictions in the changing world of health care over the past two decades, Mr. Abramson believed in HMOs as the best health care alternative in the early 1970s. He went on to build one of the nation's largest and most successful managed care organizations before selling it to Aetna in 1996. Madlyn Abramson is a trustee of the University of Pennsylvania, as well as a member of the Health System's Board of Trustees and the Graduate School of Education's Board of Overseers.

The Abramsons have been supporters of cancer research, as well as numerous other causes, for more than a decade. The family's long and generous history with the University of Pennsylvania Health System includes gifts to endow two professorships and a multi-year grant through the former U.S.Healthcare to the Cancer Center's Bone Marrow Transplant Program.

The Abramson Family Cancer Research Institute has created a revolutionary framework for facilitating innovation in cancer research, enabling the Penn Cancer Center to bring together the best scientists, physicians, and staff and to develop new approaches in an effort to make current treatments for cancer obsolete. John H. Glick, M.D., the Leonard and Madlyn Abramson Professor of Clinical Oncology and Director of Penn's Cancer Center for more than a decade, serves as Director and President of the Abramson Family Cancer Research Institute.

The gift of The Abramson Family Foundation will significantly increase our opportunities to break new ground in the war on cancer—especially in the areas of cancer genetics and molecular diagnosis, from which future research and patient care advances will occur.

The Institute supports leading-edge cancer research through the recruitment of outstanding scientists and physicians from around the world and the design of innovative patient care paradigms. The Abramson pledge propels the University of Pennsylvania Cancer Center—already one of the nation's top cancer centers—to the next level of research and patient-focused care.●

NEW BUDGET MATH

● Mr. KOHL. Mr. President, I rise today to recommend an article that appeared this week on *National Journal's* website. It is ''More New Budget Math'' by Stan Collender and discusses in a very readable way why gross federal debt continues to rise even when the government is running a surplus. The concepts of deficit, surplus, debt, and trust funds lie at the heart of many of our fiercest budget battles, and everyone has an opinion, or a one-liner, about all of them. But these concepts are as technical and difficult to understand as they are controversial, and I always appreciate it when they are explained in a clear manner, as they are in this article.

Mr. President, I ask that the article ''More New Budget Math'' be printed in the RECORD.

The article follows.

[From the National Journal's Cloakroom, June 8, 1999]

BUDGET BATTLES—MORE NEW BUDGET MATH

(By Stan Collender)

This column pointed out a year ago (*June 2, 1998*) that, in light of the surplus, the old mathematics of the federal budget were no longer adequate to explain what was happening. A variety of new calculations would have to become as commonplace as the old measures to move the debate along. Now we have yet another example.

One of the questions I get most these days is, how is it possible for total federal debt to be increasing if there is a surplus? That inevitably leads to someone insisting that there really isn't a surplus at all, and that all the talk about it coming from Washington is just an accounting trick or an X-Files-style government conspiracy.

Here, however, is the new math to explain things:

A federal surplus or deficit is the amount of revenues the government collects compared to the amount it spends during a fiscal year. Whenever spending exceeds revenues the government runs a deficit, and has to find a way to make up the difference. It can sell assets (like gold from Fort Knox, timber from national forests or an aircraft carrier) or borrow from financial markets to raise the cash it needs to cover a shortfall.

But the revenues vs. spending calculation is not as straightforward as it seems. Because of rules enacted in 1990 as part of the Budget Enforcement Act, the federal budget does not show the actual amount of cash the government uses to make loans (i.e., to students or to farmers). Instead, the budget shows only the amount needed to cover the net costs to the government of lending that money.

But because the government lends real money rather than this calculation, its actual cash needs are greater than what is in thebudget. This is not an insignificant amount. OMB is projecting that the fiscal

1999 net cash requirements for all federal direct loans will be $25 billion, which must be financed either by reducing the surplus or, when there is a deficit, by additional federal borrowing. As a result, the actual surplus is a bit lower, and the amount available to reduce debt is lower than is immediately apparent.

Then there are the loans made to the government. When ever it borrows to finance a deficit, the government incurs debt. Conversely, whenever it runs a surplus, debt is reduced. As might be expected given the surpluses that are projected over the next 10 years, this debt, formally known as ''debt held by the public,'' was projected in January by the Congressional Budget Office to fall from its current level of about $3.6 trillion to $1.2 trillion by the end of fiscal 2009.

However, financing the deficit is not the only reason the federal government borrows. Whenever any federal trust fund takes in more than it spends in a particular year, that surplus must be invested in federal government securities. In effect, a trust fund's surplus is lent to the government, so federal debt increases.

CBO's January forecast showed this separate category of debt—''debt held by the government''—increasing from almost $2.0 trillion in fiscal 1999 to $4.4 trillion by the end of 2009.

The combination of debt held by the public and debt held by the government—''gross federal debt''—is increasing, according to CBO, from $5.57 trillion in 1999 to $5.67 trillion in 2000 and $5.84 trillion in 2005.

The bottom line, therefore, is that the measurement of what the government borrows to finance its debt is projected to decline because of the surplus. However, overall federal debt will be increasing because of the growing surpluses in the Social Security and other federal trust funds.

This shows that the situation is neither the budget sophistry nor government conspiracy that some talk show hosts and conservative columnists often make it out to be. It is also hardly unique. Try to imagine the following situation:

Your personal budget is not just in balance, but you are actually running a small surplus each month. Because of that, you are also slowly paying down your credit cards.

The next month, you buy a bigger and more expensive home. Because of lower interest rates and other financing options, your monthly payments actually go down from their current levels so your surplus goes up. As a result, you increase the payments you make each month on your credit cards, so that portion or your debt decreases faster.

However, the bigger and more expensive house you just bought increases the overall amount you have borrowed by, say, $200,000. Your budget is still in surplus, and some of your debt is decreasing, but your overall debt is actually growing substantially.

This is roughly the same situation now facing the federal government, given the new budget math of the surplus.

One more thought: The debt ceiling was raised in the 1997 budget deal to accommodate the deficits that had been projected to require additional federal borrowing through fiscal 2002. But if the limit had not been raised that high in 1997, this new budget math could have meant that Congress would be in the anomalous, ironic, and certainly frustrating situation of having to pass an increase in the debt ceiling at the same time the budget was in surplus. Try to imagine explaining *that* to constituents.

Budget Battles Fiscal Y2K Countdown; As of today there are 54 days potential legislative days left before the start of fiscal 2000. If Mondays and Fridays, when Congress does not typically conduct legislative business are excluded, there are only 33 legislative days left before the start of the fiscal year.

The House and Senate have not yet passed even their own versions of any of the regular fiscal 2000 appropriations bills, much less sent legislation on to the president.

Question Of The Week; Last Week's Question. The statutory deadline for reconciliation is established by Section 300 of the Congressional Budget Act, which shows that Congress is required to complete action by June 15 each year. This year's congressional budget resolution conference report established the deadline as July 16 for the House Ways and Means Committee and July 23 for the Senate Finance Committee to report their proposed changes to their respective houses. But, as a concurrent resolution, the budget resolution did not amend the Congressional Budget Act so the dates are not statutory requirements.

Congratulations and an ''I Won A Budget Battle'' T-shirt to Stephanie Giesecke, director for budget and appropriations of the National Association of Independent Colleges and Universities, who was selected at random from the many correct answers.

This Week's Question. A T-shirt also goes to Amy Abraham of the Democratic staff of the Senate Budget Committee, who suggested this week's question as a follow-up to last week's. If June 15 is the statutory date for Congress to complete reconciliation, what is the official sanction for failing to comply with that deadline? Send your response to *scollender@njdc.com* and you might win an ''I Won A Budget Battle'' T-shirt to wear while watching the July 4th fireworks.●

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2000

On June 8, 1999, the Senate passed S. 1122, Department of Defense Appropriations Act, 2000. The text of S. 1122 follows:

S. 1122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2000, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $22,041,094,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,236,001,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $6,562,336,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; and for payments pursuant to section 156 of Public Law 97–377, as amended (42 U.S.C. 402 note), to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), and to the Department of Defense Military Retirement Fund; $17,873,759,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $2,278,696,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,450,788,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for

personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $410,650,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and for members of the Air Reserve Officers' Training Corps, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $884,794,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $3,622,479,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund; $1,494,496,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed $10,624,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes; $19,161,852,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund: *Provided,* That of the funds appropriated in this paragraph, not less than $355,000,000 shall be made available only for conventional ammunition care and maintenance.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed $5,155,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes; $22,841,510,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law; $2,758,139,000.

OPERATION AND MAINTENANCE, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed $7,882,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes; $20,760,429,000 and, in addition, $50,000,000 shall be derived by transfer from the National Defense Stockpile Transaction Fund.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law; $11,537,333,000, of which not to exceed $25,000,000 may be available for the CINC initiative fund account; and of which not to exceed $32,300,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes.

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,438,776,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, andadministration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $946,478,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $126,711,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications; $1,760,591,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft); $3,156,378,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For operation and maintenance of the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, repair, and other necessary expenses of facilities for the training and administration of the Air National Guard, including repair of facilities, maintenance, operation, and modification of aircraft; transportation of things, hire of passenger motor vehicles; supplies, materials, and equipment, as authorized by law for the Air National Guard; and expenses incident to the maintenance and use of supplies, materials, and equipment, including such as may be furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; $3,229,638,000.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

For expenses directly relating to Overseas Contingency Operations by United States military forces; $2,087,600,000, to remain available until expended: Provided, That the Secretary of Defense may transfer these funds only to operation and maintenance accounts, within this title, the Defense Health Program appropriation, and to working capital funds: *Provided further,* That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are

not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further,* That the transfer authority provided in this paragraph is in addition to any other transfer authority contained elsewhere in this Act.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces; $7,621,000, of which not to exceed $2,500 can be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $378,170,000, to remain available until transferred: *Provided,* That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, NAVY

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, $284,000,000, to remain available until transferred: *Provided,* That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, AIR FORCE

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, $376,800,000, to remain available until transferred: *Provided,* That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, $25,370,000, to remain available until transferred: *Provided,* That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, $239,214,000, to remain available until transferred: *Provided,* That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further,* That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 2547, and 2551 of title 10, United States Code); $55,800,000, to remain available until September 30, 2001.

FORMER SOVIET UNION THREAT REDUCTION

For assistance to the republics of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise; $475,500,000, to remain available until September 30, 2002: *Provided,* That of the amounts provided under this heading, $25,000,000 shall be available only to support the dismantling and disposal of nuclear submarines and submarine reactor components in the Russian Far East.

PENTAGON RENOVATION TRANSFER FUND

For expenses, not otherwise provided for, resulting from the Department of Defense renovation of the Pentagon Reservation; $246,439,000, for the renovation of the Pentagon Reservation, which shall remain available for obligation until September 30, 2001.

TITLE III

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,440,788,000, to remain available for obligation until September 30, 2002.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,267,698,000, to remain available for obligation until September 30, 2002.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,526,265,000, to remain available for obligation until September 30, 2002.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $1,145,566,000, to remain available for obligation until September 30, 2002.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of not to exceed 36 passenger motor vehicles for replacement only; and the purchase of 3 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per

vehicle; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $3,658,070,000, to remain available for obligation until September 30, 2002.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $8,608,684,000, to remain available for obligation until September 30, 2002.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $1,423,713,000, to remain available for obligation until September 30, 2002.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $510,300,000, to remain available for obligation until September 30, 2002.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long leadtime components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

NSSN (AP), $748,497,000;

CVN–77 (AP), $751,540,000;

CVN Refuelings (AP), $345,565,000;

DDG–51 destroyer program, $2,681,653,000;

LPD–17 amphibious transport dock ship, $1,508,338,000;

LHD–8 (AP), $500,000,000;

ADC(X), $439,966,000;

LCAC landing craft air cushion program, $31,776,000; and

For craft, outfitting, post delivery, conversions, and first destination transportation, $171,119,000;

In all: $7,178,454,000, to remain available for obligation until September 30, 2006: *Provided*, That additional obligations may be incurred after September 30, 2006, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards: *Provided further*, That the Secretary of the Navy is hereby granted the authority to enter into a contract for an LHD–1 Amphibious Assault Ship which shall be funded on an incremental basis.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of not to exceed 25 passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; $4,184,891,000, to remain available for obligation until September 30, 2002.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of not to exceed 43 passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; $1,236,620,000, to remain available for obligation until September 30, 2002.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, lease, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereonprior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $9,758,333,000, to remain available for obligation until September 30, 2002.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things; $2,338,505,000, to remain available for obligation until September 30, 2002.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes; $427,537,000, to remain available for obligation until September 30, 2002.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 53 passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $7,198,627,000, to remain available for obligation until September 30, 2002.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of not to exceed 103 passenger motor vehicles for replacement only; the purchase of 7 vehicles required for physical security of personnel, notwithstanding price limitations applicable to passenger vehicles but not to exceed $200,000 per vehicle; expansion of public and private plants, equipment, and installation thereof in such plants, erection of

structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; $2,327,965,000, to remain available for obligation until September 30, 2002.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons, and other procurement for the reserve components of the Armed Forces; $300,000,000, to remain available for obligation until September 30, 2002: *Provided,* That the Chiefs of the Reserve and National Guard components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense committees the modernization priority assessment for their respective Reserve or National Guard component.

TITLE IV

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $4,905,294,000, to remain available for obligation until September 30, 2001.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $8,448,816,000, to remain available for obligation until September 30, 2001.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment; $13,489,909,000, to remain available for obligation until September 30, 2001.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment; $9,325,315,000, to remain available for obligation until September 30, 2001.

DEVELOPMENTAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, of independent activities of the Director, Test and Evaluation in the direction and supervision of developmental test and evaluation, including performance and joint developmental testing and evaluation; and administrative expenses in connection therewith; $251,957,000, to remain available for obligation until September 30, 2001.

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith; $34,434,000, to remain available for obligation until September 30, 2001.

TITLE V

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds; $90,344,000.

NATIONAL DEFENSE SEALIFT FUND

(INCLUDING TRANSFER OF FUNDS)

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744); $354,700,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (that is; engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense, as authorized by law; $11,184,857,000, of which $10,527,887,000 shall be for Operation and maintenance, of which not to exceed 2 per centum shall remain available until September 30, 2001, of which $356,970,000, to remain available for obligation until September 30, 2002, shall be for Procurement: and of which $300,000,000, to remain available for obligation until September 30, 2001, shall be for Research, development, test and evaluation.

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $68,295,000, of which $12,696,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: *Provided,* That, notwithstanding any other provision of law, a single contract or related contracts for the development and construction, to include construction of a long-term care facility at the United States Naval Home, may be employed which collectively include the full scope of the project: *Provided further*, That the solicitation and contract shall contain the clause ''availability of funds'' found at 48 CFR 52.232–18 and 252.232–7007, Limitation of Government Obligations.

CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, ARMY

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, $1,029,000,000, of which $543,500,000 shall be for Operation and maintenance to remain available until September 30, 2001, $191,500,000 shall be for Procurement to remain available until September 30, 2002, and $294,000,000 shall be for Research, development, test and evaluation to remain available until September 30, 2001: *Provided*, That of the funds available under this heading, $1,000,000 shall be available until expended each year only for a Johnston Atoll off-island leave program: *Provided further,* That the Secretaries concerned shall, pursuant to uniform regulations, prescribe travel and transportation allowances for travel by participants in the off-island leave program.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for Operation and maintenance; for Procurement; and for Research, development, test and evaluation; $842,300,000: *Provided,* That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further,* That the transfer authority provided in this paragraph is in addition to any transfer authority contained elsewhere in this Act.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended; $137,544,000, of which $136,244,000 shall be for Operation and maintenance, of which not to exceed $500,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on his certificate of necessity for confidential military purposes; and of which $1,300,000 to remain available until September 30, 2002, shall be for Procurement.

TITLE VII

RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY

CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System; $209,100,000.

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Intelligence Community Management Account; $149,415,000, of which $34,923,000 for the Advanced Research and Development Committee shall remain available until September 30, 2001: *Provided*, That of the funds appropriated under this heading, $27,000,000 shall be transferred to the Department of Justice for the National Drug Intelligence Center to support the Department of Defense's counter-drug intelligence responsibilities, and of the said amount, $1,500,000 for Procurement shall remain available until September 30, 2002, and $1,000,000 for Research, development, test and evaluation shall remain available until September 30, 2001.

PAYMENT TO KAHO'OLAWE ISLAND CONVEYANCE, REMEDIATION, AND ENVIRONMENTAL RESTORATION FUND

For payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund, as authorized by law; $35,000,000, to remain available until expended.

NATIONAL SECURITY EDUCATION TRUST FUND

For the purposes of title VIII of Public Law 102–183, $8,000,000, to be derived from the National Security Education Trust Fund, to remain available until expended.

TITLE VIII

GENERAL PROVISIONS—DEPARTMENT OF DEFENSE

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 per centum of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed $2,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress.

(TRANSFER OF FUNDS)

SEC. 8006. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the ''Foreign Currency Fluctuations, Defense'' appropriation and the ''Operation and Maintenance'' appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8007. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in session in advance to the congressional defense committees.

SEC. 8008. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year of the contract or that includes an unfunded contingent liability in excess of $20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of $20,000,000 in any 1 year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed $500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement.

Funds appropriated in title III of this Act may be used for multiyear procurement contracts as follows:

Longbow Apache Helicopter; MLRS Rocket Launcher; Abrams M1A2 Upgrade; Bradley M2A3 Vehicle; F/A–18E/F aircraft; C–17 aircraft; and F–16 aircraft.

SEC. 8009. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported to Congress on September 30 of each year: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99–239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8010. (a) During fiscal year 2000, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2001 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2001 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2001.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8011. Notwithstanding any other provision of law, none of the funds made available by this Act shall be used by the Department of Defense to exceed, outside the 50 United States, its territories, and the District of Columbia, 125,000 civilian workyears: *Provided*, That workyears shall be applied as defined in the Federal Personnel Manual: *Provided further*, That workyears expended in dependent student hiring programs for disadvantaged youths shall not be included in this workyear limitation.

SEC. 8012. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8013. (a) None of the funds appropriated by this Act shall be used to make contributions to the Department of Defense Education Benefits Fund pursuant to section 2006(g) of title 10, United States Code, representing the normal cost for future benefits under section 3015(c) of title 38, United States Code, for any member of the armed services who, on or after the date of the enactment of this Act, enlists in the armed services for a period of active duty of less than three years, nor shall any amounts representing the normal cost of such future benefits be transferred from the Fund by the Secretary of the Treasury to the Secretary of Veterans Affairs pursuant to section 2006(d) of title 10, United States Code; nor shall the Secretary of Veterans Affairs pay such benefits to any such member: *Provided*, That this limitation shall not apply to members in combat arms skills or to members who enlist in the armed services on or after July 1, 1989, under a program continued or established by the Secretary of Defense in fiscal year 1991 to test the cost-effective use of special recruiting incentives involving not more than nineteen noncombat arms skills approved in advance by the Secretary of Defense: *Provided further*, That this subsection applies only to active components of the Army.

(b) None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this subsection shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this subsection applies only to active components of the Army.

SEC. 8014. None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by more than ten Department of Defense civilian employees until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That this section and subsections (a), (b), and (c) of 10 U.S.C. 2461 shall not apply to a commercial or industrial type function of the Department of Defense that: (1) is included on the procurement list established pursuant to section 2 of the Act of June 25, 1938 (41 U.S.C. 47), popularly referred to as the Javits-Wagner-O'Day Act; (2) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or (3) is planned to be converted to performance by a qualified firm under 51 per centum Native American ownership.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2301 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section manufactured will include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds appropriated by this Act available for the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) shall be available for the reimbursement of any health care provider for inpatient mental health service for care received when a patient is referred to a provider of inpatient mental health care or residential treatment care by a medical or health care professional having an economic interest in the facility to which the patient is referred: *Provided*, That this limitation does not apply in the case of inpatient mental health services provided under the program for the handicapped under subsection (d) of section 1079 of title 10, United States Code, provided as partial hospital care, or provided pursuant to a waiver authorized by the Secretary of Defense because of medical or psychological circumstances of the patient that are confirmed by a health professional who is not a Federal employee after a review, pursuant to rules prescribed by the Secretary, which takes into account the appropriate level of care for the patient, the intensity of services required by the patient, and the availability of that care.

SEC. 8018. Funds available in this Act may be used to provide transportation for the next-of-kin of individuals who have been prisoners of war or missing in action from the Vietnam era to an annual meeting in the United States, under such regulations as the Secretary of Defense may prescribe.

SEC. 8019. Notwithstanding any other provision of law, during the current fiscal year, the Secretary of Defense may, by executive agreement, establish with host nation governments in NATO member states a separate account into which such residual value amounts negotiated in the return of United States military installations in NATO member states may be deposited, in the currency of the host nation, in lieu of direct monetary transfers to the United States Treasury: *Provided*, That such credits may be utilized only for the construction of facilities to support United States military forces in that host nation, or such real property maintenance and base operating costs that are currently executed through monetary transfers to such host nations: *Provided further*, That the Department of Defense's budget submission for fiscal year 2001 shall identify such sums anticipated in residual value settlements, and identify such construction, real property maintenance or base operating costs that shall be funded by the host nation through such credits: *Provided further*, That all military construction projects to be executed from such accounts must be previously approved in a prior Act of Congress: *Provided further*, That each such executive agreement with a NATO member host nation shall be reported to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate 30 days prior to the conclusion and endorsement of any such agreement established under this provision.

SEC. 8020. None of the funds available to the Department of Defense may be used to demilitarize or dispose of M–1 Carbines, M–1 Garand rifles, M–14 rifles, .22 caliber rifles, .30 caliber rifles, or M–1911 pistols.

SEC. 8021. Notwithstanding any other provision of law, none of the funds appropriated by this Act shall be available to pay more than 50 per centum of an amount paid to any person under section 308 of title 37, United States Code, in a lump sum.

SEC. 8022. No more than $500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8023. A member of a reserve component whose unit or whose residence is located in a State which is not contiguous with another State is authorized to travel in a space required status on aircraft of the Armed Forces between home and place of inactive duty training, or place of duty in lieu of unit training assembly, when there is no road or railroad transportation (or combination of road and railroad transportation between those locations): *Provided*, That a member traveling in that status on a military aircraft pursuant to the authority provided in this section is not authorized to receive travel, transportation, or per diem allowances in connection with that travel.

SEC. 8024. In addition to the funds provided elsewhere in this Act, $8,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That contractors participating in the test program established by section 854 of Public Law 101–189 (15 U.S.C. 637 note) shall be eligible for the program established by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544).

SEC. 8025. During the current fiscal year, funds appropriated or otherwise available for any Federal agency, the Congress, the judicial branch, or the District of Columbia may be used for the pay, allowances, and benefits of an employee as defined by section 2105 of title 5, United States Code, or an individual employed by the government of the District

of Columbia, permanent or temporary indefinite, who—

(1) is a member of a Reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code, or the National Guard, as described in section 101 of title 32, United States Code;

(2) performs, for the purpose of providing military aid to enforce the law or providing assistance to civil authorities in the protection or saving of life or property or prevention of injury—

(A) Federal service under sections 331, 332, 333, or 12406 of title 10, or other provision of law, as applicable; or

(B) full-time military service for his or her State, the District of Columbia, the Commonwealth of Puerto Rico, or a territory of the United States; and

(3) requests and is granted—

(A) leave under the authority of this section; or

(B) annual leave, which may be granted without regard to the provisions of sections 5519 and 6323(b) of title 5, if such employee is otherwise entitled to such annual leave:

Provided, That any employee who requests leave under subsection (3)(A) for service described in subsection (2) of this section is entitled to such leave, subject to the provisions of this section and of the last sentence of section 6323(b) of title 5, and such leave shall be considered leave under section 6323(b) of title 5, United States Code.

SEC. 8026. None of the funds appropriated by this Act shall be available to perform any cost study pursuant to the provisions of OMB Circular A–76 if the study being performed exceeds a period of 24 months after initiation of such study with respect to a single function activity or 48 months after initiation of such study for a multi-function activity.

SEC. 8027. Funds appropriated by this Act for the American Forces Information Service shall not be used for any national or international political or psychological activities.

SEC. 8028. Notwithstanding any other provision of law or regulation, the Secretary of Defense may adjust wage rates for civilian employees hired for certain health care occupations as authorized for the Secretary of Veterans Affairs by section 7455 of title 38, United States Code.

SEC. 8029. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC–130 Weather Reconnaissance mission below the levels funded in this Act.

SEC. 8030. (a) Of the funds for the procurement of supplies or services appropriated by this Act, qualified nonprofit agencies for the blind or other severely handicapped shall be afforded the maximum practicable opportunity to participate as subcontractors and suppliers in the performance of contracts let by the Department of Defense.

(b) During the current fiscal year, a business concern which has negotiated with a military service or defense agency a subcontracting plan for the participation by small business concerns pursuant to section 8(d) of the Small Business Act (15 U.S.C. 637(d)) shall be given credit toward meeting that subcontracting goal for any purchases made from qualified nonprofit agencies for the blind or other severely handicapped.

(c) For the purpose of this section, the phrase ''qualified nonprofit agency for the blind or other severely handicapped'' means a nonprofit agency for the blind or other severely handicapped that has been approved by the Committee for the Purchase from the Blind and Other Severely Handicapped under the Javits-Wagner-O'Day Act (41 U.S.C. 46–48).

SEC. 8031. During the current fiscal year, net receipts pursuant to collections from third party payers pursuant to section 1095 of title 10, United States Code, shall be made available to the local facility of the uniformed services responsible for the collections and shall be over and above the facility's direct budget amount.

SEC. 8032. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed $350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8033. Of the funds made available in this Act, not less than $26,470,000 shall be available for the Civil Air Patrol Corporation, of which $18,000,000 shall be available for Civil Air Patrol Corporation operation and maintenance to support readiness activities which includes $2,000,000 for the Civil Air Patrol counterdrug program: *Provided*, That funds identified for ''Civil Air Patrol'' under this section are intended for and shall be for the exclusive use of the Civil Air Patrol Corporation and not for the Air Force or any unit thereof.

SEC. 8034. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other non-profit entities.

(b) LIMITATION ON COMPENSATION—FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTER (FFRDC).—No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal 2000 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2000, not more than 6,100 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,000 staff years may be funded for the defense studies and analysis FFRDCs.

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2001 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year.

SEC. 8035. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8036. For the purposes of this Act, the term ''congressional defense committees'' means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8037. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or defense agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A–76 shall not apply to competitions conducted under this section.

SEC. 8038. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2000. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived

pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

SEC. 8039. Appropriations contained in this Act that remain available at the end of the current fiscal year as a result of energy cost savings realized by the Department of Defense shall remain available for obligation for the next fiscal year to the extent, and for the purposes, provided in section 2865 of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8040. Amounts deposited during the current fiscal year to the special account established under 40 U.S.C. 485(h)(2) and to the special account established under 10 U.S.C. 2667(d)(1) are appropriated and shall be available until transferred by the Secretary of Defense to current applicable appropriations or funds of the Department of Defense under the terms and conditions specified by 40 U.S.C. 485(h)(2)(A) and (B) and 10 U.S.C. 2667(d)(1)(B), to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred.

SEC. 8041. During the current fiscal year, appropriations available to the Department of Defense may be used to reimburse a member of a reserve component of the Armed Forces who is not otherwise entitled to travel and transportation allowances and who occupies transient government housing while performing active duty for training or inactive duty training: *Provided*, That such members may be provided lodging in kind if transient government quarters are unavailable as if the member was entitled to such allowances under subsection (a) of section 404 of title 37, United States Code: *Provided further*, That if lodging in kind is provided, any authorized service charge or cost of such lodging may be paid directly from funds appropriated for operation and maintenance of the reserve component of the member concerned.

SEC. 8042. The President shall include with each budget for a fiscal year submitted to the Congress under section 1105 of title 31, United States Code, materials that shall identify clearly and separately the amounts requested in the budget for appropriation for that fiscal year for salaries and expenses related to administrative activities of the Department of Defense, the military departments, and the Defense agencies.

SEC. 8043. Notwithstanding any other provision of law, funds available for ''Drug Interdiction and Counter-Drug Activities, Defense'' may be obligated for the Young Marines program.

SEC. 8044. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act: *Provided*, That none of the funds made available for expenditure under this section may be transferred or obligated until thirty days after the Secretary of Defense submits a report which details the balance available in the Overseas Military Facility Investment Recovery Account, all projected income into the account during fiscal years 2000 and 2001, and the specific expenditures to be made using funds transferred from this account during fiscal year 2000.

SEC. 8045. Of the funds appropriated or otherwise made available by this Act, not more than $119,200,000 shall be available for payment of the operating costs of NATO Headquarters: *Provided*, That the Secretary of Defense may waive this section for Department of Defense support provided to NATO forces in and around the former Yugoslavia.

SEC. 8046. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than $100,000.

SEC. 8047. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2001 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2001 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2001 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8048. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2001: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended.

SEC. 8049. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8050. Of the funds appropriated by the Department of Defense under the heading ''Operation and Maintenance, Defense-Wide'', not less than $8,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8051. Amounts collected for the use of the facilities of the National Science Center for Communications and Electronics during the current fiscal year pursuant to section 1459(g) of the Department of Defense Authorization Act, 1986, and deposited to the special account established under subsection 1459(g)(2) of that Act are appropriated and shall be available until expended for the operation and maintenance of the Center as provided for in subsection 1459(g)(2).

SEC. 8052. None of the funds appropriated in this Act may be used to fill the commander's position at any military medical facility with a health care professional unless the prospective candidate can demonstrate professional administrative skills.

SEC. 8053. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term ''Buy American Act'' means title III of the Act entitled ''An Act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1934, and for other purposes'', approved March 3, 1933 (41 U.S.C. 10a et seq.).

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8054. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support:

Provided, That this limitation shall not apply to contracts in an amount of less than $25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8055. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned

from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to field operating agencies funded within the National Foreign Intelligence Program.

SEC. 8056. Funds appropriated by this Act for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2000 until the enactment of the Intelligence Authorization Act for Fiscal Year 2000.

SEC. 8057. Notwithstanding section 303 of Public Law 96–487 or any other provision of law, the Secretary of the Navy is authorized to lease real and personal property at Naval Air Facility, Adak, Alaska, pursuant to 10 U.S.C. 2667(f), for commercial, industrial or other purposes: *Provided*, That notwithstanding any other provision of law, the Secretary of the Navy may remove hazardous materials from facilities, buildings, and structures at Adak, Alaska, and may demolish or otherwise dispose of such facilities, buildings, and structures.

(RESCISSIONS)

SEC. 8058. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded as of the date of the enactment of this Act from the following accounts and programs in the specified amounts:

Under the heading, ''Other Procurement, Air Force, 1999/2001'', $5,405,000;

Under the heading, ''Missile Procurement, Air Force, 1999/2001'', $8,000,000 ; and

Under the heading, ''Research, Development, Test and Evaluation, Air Force, 1999/2000'', $40,000,000.

SEC. 8059. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, the Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8060. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of North Korea unless specifically appropriated for that purpose.

SEC. 8061. During the current fiscal year, funds appropriated in this Act are available to compensate members of the National Guard for duty performed pursuant to a plan submitted by a Governor of a State and approved by the Secretary of Defense under section 112 of title 32, United States Code: *Provided*, That during the performance of such duty, the members of the National Guard shall be under State command and control: *Provided further*, That such duty shall be treated as full-time National Guard duty for purposes of sections 12602(a)(2) and (b)(2) of title 10, United States Code.

SEC. 8062. Funds appropriated in this Act for operation and maintenance of the Military Departments, Unified and Specified Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Unified Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Foreign Intelligence Program (NFIP), the Joint Military Intelligence Program (JMIP), and the Tactical Intelligence and Related Activities (TIARA) aggregate: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8063. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 1999 level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8064. (a) None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Maintenance Revolving Fund, unless the Secretary of Defense certifies that the total cost for the planning, design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed $1,222,000,000.

(b) The Secretary shall, in conjunction with the Pentagon Renovation, design and construct secure secretarial offices and support facilities and security-related changes to the subway entrance at the Pentagon Reservation.

SEC. 8065. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(TRANSFER OF FUNDS)

SEC. 8066. Appropriations available in this Act under the heading ''Operation and Maintenance, Defense-Wide'' for increasing energy and water efficiency in Federal buildings may, during their period of availability, be transferred to other appropriations or funds of the Department of Defense for projects related to increasing energy and water efficiency, to be merged with and to be available for the same general purposes, and for the same time period, as the appropriation or fund to which transferred.

SEC. 8067. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8068. Notwithstanding any other provision of law, funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to American Samoa, and funds available to the Department of Defense shall be made available to provide transportation of medical supplies and equipment, on a nonreimbursable basis, to the Indian Health Service when it is in conjunction with a civil-military project.

SEC. 8069. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8070. Notwithstanding any other provision of law, each contract awarded by the Department of Defense during the current fiscal year for construction or service performed in whole or in part in a State which is not contiguous with another State and has an unemployment rate in excess of the national average rate of unemployment as determined by the Secretary of Labor, shall include a provision requiring the contractor to employ, for the purpose of performing that portion of the contract in such State that is not contiguous with another State, individuals who are residents of such State and who, in the case of any craft or trade, possess or would be able to acquire promptly the necessary skills: *Provided*, That the Secretary of Defense may waive the requirements of this section, on a case-by-case basis, in the interest of national security.

SEC. 8071. During the current fiscal year, the Army shall use the former George Air Force Base as the airhead for the National Training Center at Fort Irwin: *Provided*, That none of the funds in this Act shall be obligated or expended to transport Army personnel into Edwards Air Force Base for training rotations at the National Training Center.

SEC. 8072. (a) The Secretary of Defense shall submit, on a quarterly basis, a report to the congressional defense committees, the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate setting forth all costs (including incremental costs) incurred by the Department of Defense during the preceding quarter in implementing or supporting resolutions of the United Nations Security Council, including any such resolution calling for international sanctions, international peacekeeping operations, and humanitarian missions undertaken by the Department of Defense. The quarterly report shall include an aggregate of all such Department of Defense costs by operation or mission.

(b) The Secretary of Defense shall detail in the quarterly reports all efforts made to seek credit against past United Nations expenditures and all efforts made to seek compensation from the United Nations for costs incurred by the Department of Defense in implementing and supporting United Nations activities.

SEC. 8073. (a) LIMITATION ON TRANSFER OF DEFENSE ARTICLES AND SERVICES.—Notwithstanding any other provision of law, none of

the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on International Relations of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) COVERED ACTIVITIES.—This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) REQUIRED NOTICE.—A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8074. To the extent authorized by subchapter VI of chapter 148 of title 10, United States Code, the Secretary of Defense shall issue loan guarantees in support of United States defense exports not otherwise provided for: *Provided*, That the total contingent liability of the United States for guarantees issued under the authority of this section may not exceed $15,000,000,000: *Provided further*, That the exposure fees charged and collected by the Secretary for each guarantee, shall be paid by the country involved and shall not be financed as part of a loan guaranteed by the United States: *Provided further*, That the Secretary shall provide quarterly reports to the Committees on Appropriations, Armed Services and Foreign Relations of the Senate and the Committees on Appropriations, Armed Services and International Relations in the House of Representatives on the implementation of this program: *Provided further*, That amounts charged for administrative fees and deposited to the special account provided for under section 2540c(d) of title 10, shall be available for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under subchapter VI of chapter 148 of title 10, United States Code.

SEC. 8075. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

SEC. 8076. (a) None of the funds appropriated or otherwise made available in this Act may be used to transport or provide for the transportation of chemical munitions or agents to the Johnston Atoll for the purpose of storing or demilitarizing such munitions or agents.

(b) The prohibition in subsection (a) shall not apply to any obsolete World War II chemical munition or agent of the United States found in the World War II Pacific Theater of Operations.

(c) The President may suspend the application of subsection (a) during a period of war in which the United States is a party.

SEC. 8077. None of the funds provided in title II of this Act for ''Former Soviet Union Threat Reduction'' may be obligated or expended to finance housing for any individual who was a member of the military forces of the Soviet Union or for any individual who is or was a member of the military forces of the Russian Federation.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8078. During the current fiscal year, no more than $10,000,000 of appropriations made in this Act under the heading ''Operation and Maintenance, Defense-Wide'' may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8079. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading ''Shipbuilding and Conversion, Navy'' shall be considered to be for the same purpose as any subdivision under the heading ''Shipbuilding and Conversion, Navy'' appropriations in any prior year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8080. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101–510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

(TRANSFER OF FUNDS)

SEC. 8081. Upon enactment of this Act, the Secretary of Defense shall make the following transfers of funds: *Provided*, That the amounts transferred shall be available for the same purposes as the appropriations to which transferred, and for the same time period as the appropriation from which transferred: *Provided further*, That the amounts shall be transferred between the following appropriations in the amount specified:

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1988/2001'':

SSN–688 attack submarine program, $6,585,000;

CG–47 cruiser program, $12,100,000;

Aircraft carrier service life extension program, $202,000;

LHD–1 amphibious assault ship program, $2,311,000;

LSD–41 cargo variant ship program, $566,000;

T–AO fleet oiler program, $3,494,000;

AO conversion program, $133,000;

Craft, outfitting, and post delivery, $1,688,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1995/2001'':

DDG–51 destroyer program, $27,079,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1989/2000'':

DDG–51 destroyer program, $13,200,000;

Aircraft carrier service life extension program, $186,000;

LHD–1 amphibious assault ship program, $3,621,000;

LCAC landing craft, air cushioned program, $1,313,000;

T–AO fleet oiler program, $258,000;

AOE combat support ship program, $1,078,000;

AO conversion program, $881,000;

T–AGOS drug interdiction conversion, $407,000;

Outfitting and post delivery, $219,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2000'':

LPD–17 amphibious transport dock ship, $21,163,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1990/2002'':

SSN–688 attack submarine program, $5,606,000;

DDG–51 destroyer program, $6,000,000;

ENTERPRISE refueling/modernization program, $2,306,000;

LHD–1 amphibious assault ship program, $183,000;

LSD–41 dock landing ship cargo variant program, $501,000;

LCAC landing craft, air cushioned program, $345,000;

MCM mine countermeasures program, $1,369,000;

Moored training ship demonstration program, $1,906,000;

Oceanographic ship program, $1,296,000;

AOE combat support ship program, $4,086,000;

AO conversion program, $143,000;

Craft, outfitting, post delivery, and ship special support equipment, $1,209,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1990/2002'':

T–AGOS surveillance ship program, $5,000,000;

Coast Guard icebreaker program, $8,153,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2002'':

LPD–17 amphibious transport dock ship, $7,192,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2002'':

CVN refuelings, $4,605,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1991/2001'':

SSN–21(AP) attack submarine program, $1,614,000;

LHD–1 amphibious assault ship program, $5,647,000;

LSD–41 dock landing ship cargo variant program, $1,389,000;

LCAC landing craft, air cushioned program, $330,000;

AOE combat support ship program, $1,435,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2001'':

CVN refuelings, $10,415,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1992/2001'':

SSN–21 attack submarine program, $11,983,000;

Craft, outfitting, post delivery, and DBOF transfer, $836,000;

Escalation, $5,378,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2001'':

CVN refuelings, $18,197,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1993/2002'':

Carrier replacement program(AP), $30,332,000;

LSD–41 cargo variant ship program, $676,000;

AOE combat support ship program, $2,066,000;

Craft, outfitting, post delivery, and first destination transportation, and inflation adjustments, $2,127,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1998/2002'':

CVN refuelings, $29,884,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1999/2002'':

Craft, outfitting, post delivery, conversions, and first destination transportation, $5,317,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1994/2003'':

LHD–1 amphibious assault ship program, $18,349,000;

Oceanographic ship program, $9,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1994/2003'':

DDG–51 destroyer program, $18,349,000;

Under the heading, ''Shipbuilding and Conversion, Navy, 1999/2003'':

Craft, outfitting, post delivery, conversions, and first destination transportation, $9,000;

From:

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2000'':

SSN–21 attack submarine program, $10,100,000;

LHD–1 amphibious assault ship program, $7,100,000;

To:

Under the heading, ''Shipbuilding and Conversion, Navy, 1996/2000'':

DDG–51 destroyer program, $3,723,000;

LPD–17 amphibious transport dock ship, $13,477,000.

SEC. 8082. Funds appropriated in title II of this Act and for the Defense Health Program in title VI of this Act for supervision and administration costs for facilities maintenance and repair, minor construction, or design projects may be obligated at the time the reimbursable order is accepted by the performing activity: *Provided*, That for the purpose of this section, supervision and administration costs includes all in-house Government cost.

SEC. 8083. During the current fiscal year, the Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel, without reimbursement, is in the national security interest of the United States: *Provided*, That costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.

SEC. 8084. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8085. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8086. During the current fiscal year, refunds attributable to the use of the Government travel card and the Government Purchase Card by military personnel and civilian employees of the Department of Defense and refunds attributable to official Government travel arranged by Government Contracted Travel Management Centers may be credited to the accounts current when the refunds are received that are available for the same purposes as the accounts originally charged.

SEC. 8087. Notwithstanding 31 U.S.C. 3902, during the current fiscal year, interest penalties may be paid by the Department of Defense from funds financing the operation of the military department or defense agency with which the invoice or contract payment is associated.

SEC. 8088. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50–65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8089. Funds made available to the Civil Air Patrol in this Act under the heading ''Drug Interdiction and Counter-Drug Activities, Defense'' may be used for the Civil Air Patrol Corporation's counterdrug program, including its demand reduction program involving youth programs, as well as operational and training drug reconnaissance missions for Federal, State and local government agencies; for administrative costs, including the hiring of Civil Air Patrol Corporation employees; for travel and per diem expenses of Civil Air Patrol Corporation personnel in support of those missions; and for equipment needed for mission support or performance: *Provided*, That the Department of the Air Force should waive reimbursement from the Federal, State and local government agencies for the use of these funds.

SEC. 8090. Notwithstanding any other provision of law, the TRICARE managed care support contracts in effect, or in final stages of acquisition as of September 30, 1999, may be extended for two years: *Provided*, That any such extension may only take place if the Secretary of Defense determines that it is in the best interest of the Government: *Provided further*, That any contract extension shall be based on the price in the final best and final offer for the last year of the existing contract as adjusted for inflation and other factors mutually agreed to by the contractor and the Government: *Provided further*, That notwithstanding any other provision of law, all future TRICARE managed care support contracts replacing contracts in effect, or in the final stages of acquisition as of September 30, 1998, may include a base contract period for transition and up to seven one-year option periods.

SEC. 8091. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $452,100,000 to reflect savings from revised economic assumptions, to be distributed as follows:

''Aircraft Procurement, Army'', $8,000,000;

''Missile Procurement, Army'', $7,000,000;

''Procurement of Weapons and Tracked Combat Vehicles, Army'', $9,000,000;

''Procurement of Ammunition, Army'', $6,000,000;

''Other Procurement, Army'', $19,000,000;

''Aircraft Procurement, Navy'', $44,000,000;

''Weapons Procurement, Navy'', $8,000,000;

''Procurement of Ammunition, Navy and Marine Corps'', $3,000,000;

''Shipbuilding and Conversion, Navy'', $37,000,000;

''Other Procurement, Navy'', $23,000,000;

''Procurement, Marine Corps'', $5,000,000;

''Aircraft Procurement, Air Force'', $46,000,000;

''Missile Procurement, Air Force'', $14,000,000;

''Procurement of Ammunition, Air Force'', $2,000,000;

''Other Procurement, Air Force'', $44,400,000;

''Procurement, Defense-Wide'', $5,200,000;

''Chemical Agents and Munitions Destruction, Army'', $5,000,000;

''Research, Development, Test and Evaluation, Army'', $20,000,000;

''Research, Development, Test and Evaluation, Navy'', $40,900,000;

''Research, Development, Test and Evaluation, Air Force'', $76,900,000; and

''Research, Development, Test and Evaluation, Defense-Wide'', $28,700,000:

Provided, That these reductions shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within each appropriation account.

SEC. 8092. TRAINING AND OTHER PROGRAMS. (a) PROHIBITION.—None of the funds made available by this Act may be used to support any training program involving a unit of the security forces of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) MONITORING.—The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) WAIVER.—The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) REPORT.—Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8093. The Secretary of Defense, in coordination with the Secretary of Health and Human Services, may carry out a program to distribute surplus dental equipment of the Department of Defense, at no cost to the Department of Defense, to Indian health service facilities and to federally-qualified health centers (within the meaning of section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

SEC. 8094. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $209,300,000 to reflect savings from the pay of civilian personnel, to be distributed as follows:

''Operation and Maintenance, Army'', $45,100,000;

''Operation and Maintenance, Navy'', $74,400,000;

''Operation and Maintenance, Air Force'', $59,800,000; and

''Operation and Maintenance, Defense-Wide'', $30,000,000.

SEC. 8095. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $206,600,000 to reflect savings from favorable foreign currency fluctuations, to be distributed as follows:

''Operation and Maintenance, Army'', $138,000,000;

''Operation and Maintenance, Navy'', $10,600,000;

''Operation and Maintenance, Marine Corps'', $2,000,000;

''Operation and Maintenance, Air Force'', $43,000,000; and

''Operation and Maintenance, Defense-Wide'', $13,000,000.

SEC. 8096. Notwithstanding any other provision in this Act, the total amount appropriated in this Act is hereby reduced by $250,307,000 to reflect savings from reductions in the price of bulk fuel, to be distributed as follows:

''Operation and Maintenance, Army'', $56,000,000;

''Operation and Maintenance, Navy'', $67,000,000;

''Operation and Maintenance, Marine Corps'', $7,700,000;

''Operation and Maintenance, Air Force'', $62,000,000;

''Operation and Maintenance, Defense-Wide'', $34,000,000;

''Operation and Maintenance, Army Reserve'', $4,107,000;

''Operation and Maintenance, Navy Reserve'', $2,700,000;

''Operation and Maintenance, Air Force Reserve'', $5,000,000;

''Operation and Maintenance, Army National Guard'', $8,700,000; and

''Operation and Maintenance, Air National Guard'', $3,100,000.

SEC. 8097. Notwithstanding any other provision of law, the Secretary of Defense may retain all or a portion of the family housing at Fort Buchanan, Puerto Rico, as the Secretary deems necessary to meet military family housing needs arising out of the relocation of elements of the United States Army South to Fort Buchanan.

SEC. 8098. Funds appropriated to the Department of the Navy in title II of this Act may be available to replace lost and canceled Treasury checks issued to Trans World Airlines in the total amount of $255,333.24 for which timely claims were filed and for which detailed supporting records no longer exist.

SEC. 8099. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration in the case of a lease of personal property for a period not in excess of one year to—

(1) any department or agency of the Federal Government;

(2) any State or local government, including any interstate organization established by agreement of two or more States;

(3) any organization determined by the Chief of the National Guard Bureau, or his designee, to be a youth or charitable organization; or

(4) any other entity that the Chief of the National Guard Bureau, or his designee, approves on a case-by-case basis.

SEC. 8100. In the current fiscal year and hereafter, funds appropriated for the Pacific Disaster Center may be obligated to carry out such missions as the Secretary of Defense may specify for disaster information management and related supporting activities in the geographic area of responsibility of the Commander in Chief, Pacific and beyond in support of a global disaster information network: *Provided*, That the Secretary may enable the Pacific Disaster Center and its derivatives to enter into flexible public-private cooperative arrangements for the delegation or implementation of some or all of its missions and accept and provide grants, or other remuneration to or from any agency of the Federal government, state or local government, private source or foreign government to carry out any of its activities: *Provided further*, That the Pacific Disaster Center may not accept any remuneration or provide any service or grant which could compromise national security.

SEC. 8101. Notwithstanding any other provision in this Act, the total amount appropriated in Title I of this Act is hereby reduced by $1,838,426,000 to reflect amounts appropriated in H.R. 1141, as enacted. This amount is to be distributed as follows:

''Military Personnel, Army'', $559,533,000;

''Military Personnel, Navy'', $436,773,000;

''Military Personnel, Marine Corps'', $177,980,000;

''Military Personnel, Air Force'', $471,892,000;

''Reserve Personnel, Army'', $40,574,000;

''Reserve Personnel, Navy'', $29,833,000;

''Reserve Personnel, Marine Corps'', $7,820,000;

''Reserve Personnel, Air Force'', $13,143,000;

''National Guard Personnel, Army'', $70,416,000; and

''National Guard Personnel, Air Force'', $30,462,000.

SEC. 8102. Notwithstanding any other provision of law, that not more than twenty-five per centum of funds provided in this Act, may be obligated for environmental remediation under indefinite delivery/indefinite quantity contracts with a total contract value of $130,000,000 or higher.

SEC. 8103. Of the funds made available under the heading ''Operation and Maintenance, Air Force'', $5,000,000 shall be transferred to the Department of Transportation to enable the Secretary of Transportation to realign railroad track on Elmendorf Air Force Base.

SEC. 8104. (a) Of the amounts provided in Title II of this Act, not less than $1,353,900,000 shall be available for the missions of the Department of Defense related to combating terrorism inside and outside the United States.

(b) The budget of the United States Government submitted to Congress under section 1105 of title 31, United States Code, for each fiscal year after fiscal year 2000 shall set forth separately for a single account the amount requested for the missions of the Department of Defense related to combating terrorism inside and outside the United States.

SEC. 8105. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages

and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

SEC. 8106. (a) The Secretary of the Air Force may obtain transportation for operational support purposes, including transportation for combatant Commanders in Chief, by lease of aircraft, on such terms and conditions as the Secretary may deem appropriate, consistent with this section, through an operating lease consistent with OMB Circular A–11.

(b) The term of any lease into which the Secretary enters under this section shall not exceed ten years from the date on which the lease takes effect.

(c) The Secretary may include terms and conditions in any lease into which the Secretary enters under this section that are customary in the leasing of aircraft by a nongovernmental lessor to a nongovernmental lessee.

(d) The Secretary may, in connection with any lease into which the Secretary enters under this section, to the extent the Secretary deems appropriate, provide for special payments to the lessor if either the Secretary terminates or cancels the lease prior to the expiration of its term or the aircraft is damaged or destroyed prior to the expiration of the term of the lease. In the event of termination or cancellation of the lease, the total value of such payments shall not exceed the value of one year's lease payment.

(e) Notwithstanding any other provision of law any payments required under a lease under this section, and any payments made pursuant to subsection (d), may be made from—

(1) appropriations available for the performance of the lease at the time the lease takes effect;

(2) appropriations for the operation and maintenance available at the time which the payment is due; and

(3) funds appropriated for those payments.

(f) The authority granted to the Secretary of the Air Force by this section is separate from and in addition to, and shall not be construed to impair or otherwise affect, the authority of the Secretary to procure transportation or enter into leases under a provision of law other than this section.

SEC. 8107. (a) The Communications Act of 1934 is amended in section 337(b) (47 U.S.C. 337(b)), by deleting paragraph (2). Upon enactment of this provision, the FCC shall initiate the competitive bidding process in fiscal year 1999 and shall conduct the competitive bidding in a manner that ensures that all proceeds of such bidding are deposited in accordance with section 309(j)(8) of the Act not later than September 30, 2000. To expedite the assignment by competitive bidding of the frequencies identified in section 337(a)(2) of the Act, the rules governing such frequencies shall be effective immediately upon publication in the Federal Register, notwithstanding 5 U.S.C. 553(d), 801(a)(3), 804(2), and 806(a). Chapter 6 of such title, 15 U.S.C. 632, and 44 U.S.C. 3507 and 3512, shall not apply to the rules and competitive bidding procedures governing such frequencies. Notwithstanding section 309(b) of the Act, no application for an instrument of authorization for such frequencies shall be granted by the Commission earlier than 7 days following issuance of public notice by the Commission of the acceptance for filing of such application or of any substantial amendment thereto. Notwithstanding section 309(d)(1) of such Act, the Commission may specify a period (no less than 5 days following issuance of such public notice) for the filing of petitions to deny any application for an instrument of authorization for such frequencies.

(b)(1) Not later than 15 days after the date of the enactment of this Act, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees a report which shall—

(A) set forth the anticipated schedule (including specific dates) for—

(i) preparing and conducting the competitive bidding process required by subsection (a); and

(ii) depositing the receipts of the competitive bidding process;

(B) set forth each significant milestone in the rulemaking process with respect to the competitive bidding process;

(C) include an explanation of the effect of each requirement in subsection (a) on the schedule for the competitive bidding process and any post-bidding activities (including the deposit of receipts) when compared with the schedule for the competitive bidding and any post-bidding activities (including the deposit of receipts) that would otherwise have occurred under section 337(b)(2) of the Communications Act of 1934 (47 U.S.C. 337(b)(2)) if not for the enactment of subsection (a);

(D) set forth for each spectrum auction held by the Federal Communications Commission since 1993 information on—

(i) the time required for each stage of preparation for the auction;

(ii) the date of the commencement and of the completion of the auction;

(iii) the time which elapsed between the date of the completion of the auction and the date of the first deposit of receipts from the auction in the Treasury; and

(iv) the dates of all subsequent deposits of receipts from the auction in the Treasury; and

(E) include an assessment of how the stages of the competitive bidding process required by subsection (a), including preparation, commencement and completion, and deposit of receipts, will differ from similar stages in the auctions referred to in subparagraph (D).

(2) Not later than October 5, 2000, the Director of the Office of Management and Budget and the Federal Communications Commission shall each submit to the appropriate congressional committees the report which shall—

(A) describe the course of the competitive bidding process required by subsection (a) through September 30, 2000, including the amount of any receipts from the competitive bidding process deposited in the Treasury as of September 30, 2000; and

(B) if the course of the competitive bidding process has included any deviations from the schedule set forth under paragraph (1)(A), an explanation for such deviations from the schedule.

(3) The Federal Communications Commission may not consult with the Director in the preparation and submittal of the reports required of the Commission by this subsection.

(4) In this subsection, the term ''appropriate congressional committees'' means the following:

(A) The Committees on Appropriations, the Budget, and Commerce of the Senate.

(B) The Committees on Appropriations, the Budget, and Commerce of the House of Representatives.

SEC. 8108. Notwithstanding any other provision in this Act, the total amount appropriated in this Act for Titles II and III is hereby reduced by $3,100,000,000 to reflect supplemental appropriations provided under Public Law 106–31 for Readiness/Munitions; Operational Rapid Response Transfer Fund; Spare Parts; Depot Maintenance; Recruiting; Readiness Training/OPTEMPO; and Base Operations.

SEC. 8109. Section 8106(a) of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under section 101(b) of Public Law 104–208; 110 Stat. 3009–111; 10 U.S.C. 113 note), is amended—

(1) by striking ''not later than June 30, 1997,''; and

(2) by striking ''$1,000,000'' and inserting ''$500,000''.

SEC. 8110. In addition to any funds appropriated elsewhere in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', $9,000,000 is hereby appropriated only for the Army Test Ranges and Facilities program element.

SEC. 8111. Notwithstanding any other provision in this Act, the total amount appropriated in this Act for title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', is hereby reduced by $26,840,000 and the total amount appropriated in this Act for title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', is hereby increased by $51,840,000 to reflect the transfer of the Joint Warfighting Experimentation Program: *Provided*, That none of the funds provided for the Joint Warfighting Experimentation Program may be obligated until the Vice Chairman of the Joint Chiefs of Staff reports to the congressional defense committees on the role and participation of all unified and specified commands in the JWEP.

SEC. 8112. In addition to the amounts appropriated or otherwise made available elsewhere in this Act for the Department of Defense, $23,000,000, to remain available until September 30, 2000 is hereby appropriated to the Department of Defense: *Provided*, That the Secretary of Defense shall make a grant in the amount of $23,000,000 to the American Red Cross for Armed Forces Emergency Services.

SEC. 8113. In addition to the funds available in title III, $10,000,000 is hereby appropriated for U–2 cockpit modifications.

SEC. 8114. The Department of the Army is directed to conduct a live fire, side-by-side operational test of the air-to-air Starstreak and air-to-air Stinger missiles from the AH–64D Longbow helicopter. The operational test is to be completed utilizing funds provided for in this Act in addition to funding provided for this purpose in the Fiscal Year 1999 Defense Appropriations Act (P.L. 105–262): *Provided*, That notwithstanding any other provision of law, the Department is to ensure that the development, procurement or integration of any missile for use on the AH–64 or RAH–66 helicopters, as an air-to-air missile, is subject to a full and open competition which includes the conduct of a live-fire, side-by-side test as an element of the source selection criteria: *Provided further*, That the Under Secretary of Defense (Acquisition & Technology) will conduct an independent review of the need, and the merits of acquiring an air-to-air missile to provide self-protection for the AH–64 and RAH–66

from the threat of hostile forces. The Secretary is to provide his findings in a report to the defense oversight committees, no later than March 31, 2000.

SEC. 8115. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $6,000,000 may be made available for the 3–D advanced track acquisition and imaging system.

SEC. 8116. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $3,000,000 may be made available for electronic propulsion systems.

SEC. 8117. Of the funds appropriated in title IV under the heading ''COUNTER-DRUG ACTIVITIES, DEFENSE'', up to $5,000,000 may be made available for a ground processing station to support a tropical remote sensing radar.

SEC. 8118. Of the funds made available under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $6,000,000 may be provided to the United States Army Construction Engineering Research Laboratory to continue research and development to reduce pollution associated with industrial manufacturing waste systems.

SEC. 8119. Of the funds appropriated in title II under the heading ''OPERATION AND MAINTENANCE, NAVY'', up to $13,000,000 may be available for depot overhaul of the MK–45 weapon system, and up to $19,000,000 may be available for depot overhaul of the Close In Weapon System.

SEC. 8120. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $1,500,000 may be available for prototyping and testing of a water distributor for the Pallet-Loading System Engineer Mission Module System.

SEC. 8121. Of the funds provided under title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $1,000,000 may be made available only for alternative missile engine source development.

SEC. 8122. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $3,000,000 may be made available for the National Defense Center for Environmental Excellence Pollution Prevention Initiative.

SEC. 8123. Of the funds made available in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $4,500,000 may be made available for a hot gas decontamination facility.

SEC. 8124. Of the funds made available under the heading ''DEFENSE HEALTH PROGRAM'', up to $2,000,000 may be made available to support the establishment of a Department of Defense Center for Medical Informatics.

SEC. 8125. Of the funds appropriated in title III under the heading ''PROCUREMENT, MARINE CORPS'', up to $2,800,000 may be made available for the K-Band Test Obscuration Pairing System.

SEC. 8126. Of the funds made available under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $2,000,000 may be made available to continue and expand on-going work in recombinant vaccine research against biological warfare agents.

SEC. 8127. (a) The purpose of this section is to provide means for the City of Bayonne, New Jersey, to furnish fire protection through the City's municipal fire department for the tenants, including the Coast Guard, and property at Military Ocean Terminal, New Jersey, thereby enhancing the City's capability for furnishing safety services that is a fundamental capability necessary for encouraging the economic development of Military Ocean Terminal.

(b) The Secretary of the Army may, notwithstanding title II of the Federal Property and Administrative Services Act of 1949, convey without consideration to the Bayonne Local Redevelopment Authority, Bayonne, New Jersey, and to the City of Bayonne, New Jersey, jointly, all right, title, and interest of the United States in and to the firefighting equipment described in subsection (c).

(c) The equipment to be conveyed under subsection (b) is firefighting equipment at Military Ocean Terminal, Bayonne, New Jersey, as follows:

(1) Pierce Dash 2000 Gpm Pumper, manufactured September 1995.

(2) Pierce Arrow 100-foot Tower Ladder, manufactured February 1994.

(3) Pierce HAZMAT truck, manufactured 1993.

(4) Ford E–350, manufactured 1992.

(5) Ford E–302, manufactured 1990.

(6) Bauer Compressor, Bauer–UN 12–E#5000psi, manufactured November 1989.

(d) The conveyance and delivery of the property shall be at no cost to the United States.

(e) The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 8128. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $3,000,000 may be made available for basic research on advanced composite materials processing (specifically, resin transfer molding, vacuum-assisted resin transfer molding, and co-infusion resin transfer molding).

SEC. 8129. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $5,000,000 may be available for Information Warfare Vulnerability Analysis.

SEC. 8130. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', up to $7,500,000 may be made available for the GEO High Resolution Space Object Imaging Program.

SEC. 8131. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $4,000,000 may be available solely for research, development, test, and evaluation of elastin-based artificial tissues and dye targeted laser fusion techniques for healing internal injuries.

SEC. 8132. Of the funds made available in title IV of this Act for the Defense Advanced Research Projects Agency under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', up to $20,000,000 may be made available for supersonic aircraft noise mitigation research and development efforts.

SEC. 8133. From within the funds provided for the Defense Acquisition University, up to $5,000,000 may be spent on a pilot program using state-of-the-art training technology that would train the acquisition workforce in a simulated Government procurement environment.

SEC. 8134. During the current fiscal year, under regulations prescribed by the Secretary of Defense, the Center of Excellence for Disaster Management and Humanitarian Assistance may also pay, or authorize payment for, the expenses of providing or facilitating education and training for appropriate military and civilian personnel of foreign countries in disaster management and humanitarian assistance: *Provided*, That not later than April 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report regarding the training of foreign personnel conducted under this authority during the preceding fiscal year for which expenses were paid under the section: *Provided further*, That the report shall specify the countries in which the training was conducted, the type of training conducted, and the foreign personnel trained.

SEC. 8135. Of the funds appropriated in title II under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'', up to $4,000,000 may be made available for the Manufacturing Technology Assistance Pilot Program.

SEC. 8136. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $5,000,000 may be available for visual display performance and visual display environmental research and development.

SEC. 8137. Of the funds appropriated in title III under the heading ''OTHER PROCUREMENT, ARMY'', $51,250,000 shall be available for the Information System Security Program, of which up to $10,000,000 may be made available for an immediate assessment of biometrics sensors and templates repository requirements and for combining and consolidating biometrics security technology and other information assurance technologies to accomplish a more focused and effective information assurance effort.

SEC. 8138. Of the funds appropriated in title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'' for the Office of the Special Assistant to the Deputy Secretary of Defense for Gulf War Illnesses, up to $10,000,000 may be made available for carrying out the first-year actions under the 5-year research plan outlined in the report entitled ''Department of Defense Strategy to Address Low-Level Exposures to Chemical Warfare Agents (CWAs)'', dated May 1999, that was submitted to committees of Congress pursuant to section 247(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1957).

SEC. 8139. (a) Congress makes the following findings:

(1) The B–2 bomber has been used in combat for the first time in Operation Allied Force against Yugoslavia.

(2) The B–2 bomber has demonstrated unparalleled strike capability in Operation Allied Force, with cursory data indicating that the bomber could have dropped nearly 20 percent of the precision ordnance while flying less than 3 percent of the attack sorties.

(3) According to the congressionally mandated Long Range Air Power Panel, ''long range air power is an increasingly important element of United States military capability''.

(4) The crews of the B–2 bomber and the personnel of Whiteman Air Force Base, Missouri, deserve particular credit for flying and supporting the strike missions against Yugoslavia, some of the longest combat missions in the history of the Air Force.

(5) The bravery and professionalism of the personnel of Whiteman Air Force Base have advanced American interests in the face of significant challenge and hardship.

(6) The dedication of those who serve in the Armed Forces, exemplified clearly by the

personnel of Whiteman Air Force Base, is the greatest national security asset of the United States.

(b) It is the sense of Congress that—

(1) the skill and professionalism with which the B–2 bomber has been used in Operation Allied Force is a credit to the personnel of Whiteman Air Force Base, Missouri, and the Air Force;

(2) the B–2 bomber has demonstrated an unparalleled capability to travel long distances and deliver devastating weapons payloads, proving its essential role for United States power projection in the future; and

(3) the crews of the B–2 bomber and the personnel of Whiteman Air Force Base deserve the gratitude of the American people for their dedicated performance in an indispensable role in the air campaign against Yugoslavia and in the defense of the United States.

SEC. 8140. Of the funds appropriated in title III under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'', up to $10,000,000 may be made available for U–2 aircraft defensive system modernization.

SEC. 8141. Of the amount appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'', $25,185,000 shall be available for research and development relating to Persian Gulf illnesses, of which $4,000,000 shall be available for continuation of research into Gulf War syndrome that includes multidisciplinary studies of fibromyalgia, chronic fatigue syndrome, multiple chemical sensitivity, and the use of research methods of cognitive and computational neuroscience, and of which up to $2,000,000 may be made available for expansion of the research program in the Upper Great Plains region.

SEC. 8142. Of the total amount appropriated in title III under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'', up to $17,500,000 may be made available for procurement of the F–15A/B data link for the Air National Guard.

SEC. 8143. Of the funds appropriated in title III under the heading ''WEAPONS PROCUREMENT, NAVY'', up to $3,000,000 may be made available for the MK–43 Machine Gun Conversion Program.

SEC. 8144. DEVELOPMENT OF FORD ISLAND, HAWAII. (a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of the Navy may exercise any authority or combination of authorities in this section for the purpose of developing or facilitating the development of Ford Island, Hawaii, to the extent that the Secretary determines the development is compatible with the mission of the Navy.

(2) The Secretary may not exercise any authority under this section until—

(A) the Secretary submits to the appropriate committees of Congress a master plan for the development of Ford Island; and

(B) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

(b) CONVEYANCE AUTHORITY.—(1) The Secretary of the Navy may convey to any public or private person or entity all right, title, and interest of the United States in and to any real property (including any improvements thereon) or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

(A) is excess to the needs of the Navy and all of the other Armed Forces; and

(B) will promote the purpose of this section.

(2) A conveyance under this subsection may include such terms and conditions as the Secretary considers appropriate to protect the interests of the United States.

(c) LEASE AUTHORITY.—(1) The Secretary of the Navy may lease to any public or private person or entity any real property or personal property under the jurisdiction of the Secretary in the State of Hawaii that the Secretary determines—

(A) is not needed for current operations of the Navy and all of the other Armed Forces; and

(B) will promote the purpose of this section.

(2) A lease under this subsection shall be subject to section 2667(b)(1) of title 10, United States Code, and may include such others terms as the Secretary considers appropriate to protect the interests of the United States.

(3) A lease of real property under this subsection may provide that, upon termination of the lease term, the lessee shall have the right of first refusal to acquire the real property covered by the lease if the property is then conveyed under subsection (b).

(4)(A) The Secretary may provide property support services to or for real property leased under this subsection.

(B) To the extent provided in appropriations Acts, any payment made to the Secretary for services provided under this paragraph shall be credited to the appropriation, account, or fund from which the cost of providing the services was paid.

(d) ACQUISITION OF LEASEHOLD INTEREST BY SECRETARY.—(1) The Secretary of the Navy may acquire a leasehold interest in any facility constructed under subsection (f) as consideration for a transaction authorized by this section upon such terms as the Secretary considers appropriate to promote the purpose of this section.

(2) The term of a lease under paragraph (1) may not exceed 10 years, unless the Secretary of Defense approves a term in excess of 10 years for the purpose of this section.

(3) A lease under this subsection may provide that, upon termination of the lease term, the United States shall have the right of first refusal to acquire the facility covered by the lease.

(e) REQUIREMENT FOR COMPETITION.—The Secretary of the Navy shall use competitive procedures for purposes of selecting the recipient of real or personal property under subsection (b) and the lessee of real or personal property under subsection (c).

(f) CONSIDERATION.—(1) As consideration for the conveyance of real or personal property under subsection (b), or for the lease of real or personal property under subsection (c), the Secretary of the Navy shall accept cash, real property, personal property, or services, or any combination thereof, in an aggregate amount equal to not less than the fair market value of the real or personal property conveyed or leased.

(2) Subject to subsection (i), the services accepted by the Secretary under paragraph (1) may include the following:

(A) The construction or improvement of facilities at Ford Island.

(B) The restoration or rehabilitation of real property at Ford Island.

(C) The provision of property support services for property or facilities at Ford Island.

(g) NOTICE AND WAIT REQUIREMENTS.—The Secretary of the Navy may not carry out a transaction authorized by this section until—

(1) the Secretary submits to the appropriate committees of Congress a notification of the transaction, including—

(A) a detailed description of the transaction; and

(B) a justification for the transaction specifying the manner in which the transaction will meet the purpose of this section; and

(2) a period of 30 calendar days has elapsed following the date on which the notification is received by those committees.

(h) FORD ISLAND IMPROVEMENT ACCOUNT.—(1) There is established on the books of the Treasury an account to be known as the ''Ford Island Improvement Account''.

(2) There shall be deposited into the account the following amounts:

(A) Amounts authorized and appropriated to the account.

(B) Except as provided in subsection (c)(4)(B), the amount of any cash payment received by the Secretary for a transaction under this section.

(i) USE OF ACCOUNT.—(1) Subject to paragraph (2), to the extent provided in advance in appropriation Acts, funds in the Ford Island Improvement Account may be used as follows:

(A) To carry out or facilitate the carrying out of a transaction authorized by this section.

(B) To carry out improvements of property or facilities at Ford Island.

(C) To obtain property support services for property or facilities at Ford Island.

(2) To extent that the authorities provided under subchapter IV of chapter 169 of title 10, United States Code, are available to the Secretary of the Navy, the Secretary may not use the authorities in this section to acquire, construct, or improve family housing units, military unaccompanied housing units, or ancillary supporting facilities related to military housing at Ford Island.

(3)(A) The Secretary may transfer funds from the Ford Island Improvement Account to the following funds:

(i) The Department of Defense Family Housing Improvement Fund established by section 2883(a)(1) of title 10, United States Code.

(ii) The Department of Defense Military Unaccompanied Housing Improvement Fund established by section 2883(a)(2) of that title.

(B) Amounts transferred under subparagraph (A) to a fund referred to in that subparagraph shall be available in accordance with the provisions of section 2883 of title 10, United States Code, for activities authorized under subchapter IV of chapter 169 of that title at Ford Island.

(j) INAPPLICABILITY OF CERTAIN PROPERTY MANAGEMENT LAWS.—Except as otherwise provided in this section, transactions under this section shall not be subject to the following:

(1) Sections 2667 and 2696 of title 10, United States Code.

(2) Section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(3) Sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484).

(k) SCORING.—Nothing in this section shall be construed to waive the applicability to any lease entered into under this section of the budget scorekeeping guidelines used to measure compliance with the Balanced Budget Emergency Deficit Control Act of 1985.

(l) CONFORMING AMENDMENTS.—Section 2883(c) of title 10, United States Code, is amended—

(1) in paragraph (1), by adding at the end the following new subparagraph:

''(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2862(i)(3)(A)(i) of the Military Construction Authorization Act for Fiscal Year 2000, subject to the restrictions on the use of

the transferred amounts specified in that section.''; and

(2) in paragraph (2), by adding at the end the following new subparagraph:

''(E) Any amounts that the Secretary of the Navy transfers to that Fund pursuant to section 2862(i)(3)(A)(ii) of the Military Construction Authorization Act for Fiscal Year 2000, subject to the restrictions on the use of the transferred amounts specified in that section.''.

(m) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' has the meaning given that term in section 2801(4) of title 10, United States Code.

(2) The term ''property support service'' means the following:

(A) Any utility service or other service listed in section 2686(a) of title 10, United States Code.

(B) Any other service determined by the Secretary to be a service that supports the operation and maintenance of real property, personal property, or facilities.

SEC. 8145. (a) The Department of Defense is authorized to enter into agreements with the Veterans Administration and federally-funded health agencies providing services to Native Hawaiians for the purpose of establishing a partnership similar to the Alaska Federal Health Care Partnership, in order to maximize Federal resources in the provision of health care services by federally-funded health agencies, applying telemedicine technologies. For the purpose of this partnership, Native Hawaiians shall have the same status as other Native Americans who are eligible for the health care services provided by the Indian Health Service.

(b) The Department of Defense is authorized to develop a consultation policy, consistent with Executive Order 13084 (issued May 14, 1998), with Native Hawaiians for the purpose of assuring maximum Native Hawaiian participation in the direction and administration of governmental services so as to render those services more responsive to the needs of the Native Hawaiian community.

(c) For purposes of this section, the term ''Native Hawaiian'' means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawaii.

SEC. 8146. Of the funds made available in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, NAVY'', up to $3,000,000 may be made available to continue research and development on polymer cased ammunition.

SEC. 8147. (a) Of the amounts appropriated by title II under the heading ''OPERATION AND MAINTENANCE, DEFENSE-WIDE'', up to $220,000 may be made available to carry out the study described in subsection (b).

(b)(1) The Secretary of the Army, acting through the Chief of Engineers, shall carry out a study for purposes of evaluating the cost-effectiveness of various technologies utilized, or having the potential to be utilized, in the demolition and cleanup of facilities contaminated with chemical residue at facilities used in the production of weapons and ammunition.

(2) The Secretary shall carry out the study at the Badger Army Ammunition Plant, Wisconsin.

(3) The Secretary shall provide for the carrying out of work under the study through the Omaha District Corps of Engineers and in cooperation with the Department of Energy Federal Technology Center, Morgantown, West Virginia.

(4) The Secretary may make available to other departments and agencies of the Federal Government information developed as a result of the study.

SEC. 8148. Of the funds appropriated in this Act under the heading ''OPERATION AND MAINTENANCE, ARMY'', up to $500,000 may be available for a study of the costs and feasibility of a project to remove ordnance from the Toussaint River.

SEC. 8149. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE'', $63,041,000 may be available for C–5 aircraft modernization.

SEC. 8150. None of the funds appropriated or otherwise made available by this or any other Act may be made available for reconstruction activities in the Republic of Serbia (excluding the province of Kosovo) as long as Slobodan Milosevic remains the President of the Federal Republic of Yugoslavia (Serbia and Montenegro).

SEC. 8151. Office of Net Assessment in the Office of the Secretary of Defense, jointly with the United States Pacific Command, shall submit a report to Congress no later than 180 days after the enactment of this Act which addresses the following issues:

(1) A review and evaluation of the operational planning and other preparations of the United States Department of Defense, including but not limited to the United States Pacific Command, to implement the relevant sections of the Taiwan Relations Act since its enactment in 1979.

(2) A review and evaluation of all gaps in relevant knowledge about the current and future military balance between Taiwan and mainland China, including but not limited to Chinese open source writings.

(3) A set of recommendations, based on these reviews and evaluations, concerning further research and analysis that the Office of Net Assessment and the Pacific Command believe to be necessary and desirable to be performed by the National Defense University and other defense research centers.

SEC. 8152. (a) Congress makes the following findings:

(1) Congress recognizes and supports, as being fundamental to the national defense, the ability of the Armed Forces to test weapons and weapon systems thoroughly, and to train members of the Armed Forces in the use of weapons and weapon systems before the forces enter hostile military engagements.

(2) It is the policy of the United States that the Armed Forces at all times exercise the utmost degree of caution in the training with weapons and weapon systems in order to avoid endangering civilian populations and the environment.

(3) In the adherence to these policies, it is essential to the public safety that the Armed Forces not test weapons or weapon systems, or engage in training exercises with live ammunition, in close proximity to civilian populations unless there is no reasonable alternative available.

(b) It is the sense of Congress that—

(1) there should be a thorough investigation of the circumstances that led to the accidental death of a civilian employee of the Navy installation in Vieques, Puerto Rico, and the wounding of four other civilians during a live-ammunition weapons test at Vieques, including a reexamination of the adequacy of the measures that are in place to protect the civilian population during such training;

(2) the Secretary of Defense should not authorize the Navy to resume live ammunition training on the Island of Vieques, Puerto Rico, unless and until he has advised the congressional defense committees of the Senate and the House of Representatives that—

(A) there is not available an alternative training site with no civilian population located in close proximity;

(B) the national security of the United States requires that the training be carried out;

(C) measures to provide the utmost level of safety to the civilian population are to be in place and maintained throughout the training; and

(D) training with ammunition containing radioactive materials that could cause environmental degradation should not be authorized;

(3) in addition to advising committees of Congress of the findings as described in paragraph (2), the Secretary of Defense should advise the Governor of Puerto Rico of those findings and, if the Secretary of Defense decides to resume live-ammunition weapons training on the Island of Vieques, consult with the Governor on a regular basis regarding the measures being taken from time to time to protect civilians from harm from the training.

SEC. 8153. Of the funds appropriated in title IV for Research, Development, Test and Evaluation, Army, up to $10,000,000 may be utilized for Army Space Control Technology.

SEC. 8154. (a) Of the funds appropriated in title II under the heading ''OPERATION AND MAINTENANCE, AIR FORCE'' (other than the funds appropriated for space launch facilities), up to $7,300,000 may be available, in addition to other funds appropriated under that heading for space launch facilities, for a second team of personnel for space launch facilities for range reconfiguration to accommodate launch schedules.

(b) The funds set aside under subsection (a) may not be obligated for any purpose other than the purpose specified in subsection (a).

SEC. 8155. Of the funds appropriated in title IV under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY'', up to $4,000,000 may be made available for the Advanced Integrated Helmet System Program.

SEC. 8156. PROHIBITION ON USE OF REFUGEE RELIEF FUNDS FOR LONG-TERM REGIONAL DEVELOPMENT OR RECONSTRUCTION IN SOUTHEASTERN EUROPE. None of the funds made available in the 1999 Emergency Supplemental Appropriations Act (Public Law 106–31) may be made available to implement a long-term, regional program of development or reconstruction in Southeastern Europe except pursuant to specific statutory authorization enacted on or after the date of enactment of this Act.

SEC. 8157. Of the funds appropriated in title III, Procurement, under the heading ''MISSILE PROCUREMENT, ARMY'', up to $35,000,000 may be made available to retrofit and improve the current inventory of Patriot missiles in order to meet current and projected threats from cruise missiles.

SEC. 8158. (a) PURPOSE.—The purpose of this section is to evaluate and demonstrate methods for more efficient operation of military installations through improved capital asset management and greater reliance on the public or private sector for less-costly base support services, where available.

(b) AUTHORITY.—(1) The Secretary of the Air Force may carry out at Brooks Air Force Base, Texas, a demonstration project to be known as the ''Base Efficiency Project'' to improve mission effectiveness and reduce the cost of providing quality installation support at Brooks Air Force Base.

(2) The Secretary shall carry out the Project in consultation with the Community to the extent the Secretary determines such consultation is necessary and appropriate.

(3) The authority provided in this section is in addition to any other authority vested in or delegated to the Secretary, and the Secretary may exercise any authority or combination of authorities provided under this section or elsewhere to carry out the purposes of the Project.

(c) EFFICIENT PRACTICES.—(1) The Secretary may convert services at or for the benefit of the Base from accomplishment by military personnel or by Department civilian employees (appropriated fund or non-appropriated fund), to services performed by contract or provided as consideration for the lease, sale, or other conveyance or transfer of property.

(2) Notwithstanding section 2462 of title 10, United States Code, a contract for services may be awarded based on ''best value'' if the Secretary determines that the award will advance the purposes of a joint activity conducted under the Project and is in the best interest of the Department.

(3) Notwithstanding that such services are generally funded by local and State taxes and provided without specific charge to the public at large, the Secretary may contract for public services at or for the benefit of the Base in exchange for such consideration, if any, the Secretary determines to be appropriate.

(4)(A) The Secretary may conduct joint activities with the Community, the State, and any private parties or entities on or for the benefit of the Base.

(B) Payments or reimbursements received from participants for their share of direct and indirect costs of joint activities, including the costs of providing, operating, and maintaining facilities, shall be in an amount and type determined to be adequate and appropriate by the Secretary.

(C) Such payments or reimbursements received by the Department shall be deposited into the Project Fund.

(d) LEASE AUTHORITY.—(1) The Secretary may lease real or personal property located on the Base to any lessee upon such terms and conditions as the Secretary considers appropriate and in the interest of the United States, if the Secretary determines that the lease would facilitate the purposes of the Project.

(2) Consideration for a lease under this subsection shall be determined in accordance with subsection (g).

(3) A lease under this subsection—

(A) may be for such period as the Secretary determines is necessary to accomplish the goals of the Project; and

(B) may give the lessee the first right to purchase the property if the lease is terminated to allow the United States to sell the property under any other provision of law.

(4)(A) The interest of a lessee of property leased under this subsection may be taxed by the State or the Community.

(B) A lease under this subsection shall provide that, if and to the extent that the leased property is later made taxable by State governments or local governments under Federal law, the lease shall be renegotiated.

(5) The Department may furnish a lessee with utilities, custodial services, and other base operation, maintenance, or support services, in exchange for such consideration, payment, or reimbursement as the Secretary determines appropriate.

(6) All amounts received from leases under this subsection shall be deposited into the Project Fund.

(7) A lease under this subsection shall not be subject to the following provisions of law:

(A) Section 2667 of title 10, United States Code, other than subsection (b)(1) of that section.

(B) Section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(C) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(e) PROPERTY DISPOSAL.—(1) The Secretary may sell or otherwise convey or transfer real and personal property located at the Base to the Community or to another public or private party during the Project, upon such terms and conditions as the Secretary considers appropriate for purposes of the Project.

(2) Consideration for a sale or other conveyance or transfer or property under this subsection shall be determined in accordance with subsection (g).

(3) The sale or other conveyance or transfer of property under this subsection shall not be subject to the following provisions of law:

(A) Section 2693 of title 10, United States Code.

(B) The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)

(4) Cash payments received as consideration for the sale or other conveyance or transfer of property under this subsection shall be deposited into the Project Fund.

(f) LEASEBACK OF PROPERTY LEASED OR DISPOSED.—(1) The Secretary may lease, sell, or otherwise convey or transfer real property at the Base under subsections (b) and (e), as applicable, which will be retained for use by the Department or by another military department or other Federal agency, if the lessee, purchaser, or other grantee or transferee of the property agrees to enter into a leaseback to the Department in connection with the lease, sale, or other conveyance or transfer of one or more portions or all of the property leased, sold, or otherwise conveyed or transferred, as applicable.

(2) A leaseback of real property under this subsection shall be an operating lease for no more than 20 years unless the Secretary of Defense determines that a longer term is appropriate.

(3)(A) Consideration, if any, for real property leased under a leaseback entered into under this subsection shall be in such form and amount as the Secretary considers appropriate.

(B) The Secretary may use funds in the Project Fund or other funds appropriated or otherwise available to the Department for use at the Base for payment of any such cash rent.

(4) Notwithstanding any other provision of law, the Department or other military department or other Federal agency using the real property leased under a leaseback entered into under this subsection may construct and erect facilities on or otherwise improve the leased property using funds appropriated or otherwise available to the Department or other military department or other Federal agency for such purpose. Funds available to the Department for such purpose include funds in the Project Fund.

(g) CONSIDERATION.—(1) The Secretary shall determine the nature, value, and adequacy of consideration required or offered in exchange for a lease, sale, or other conveyance or transfer of real or personal property or for other actions taken under the Project.

(2) Consideration may be in cash or in-kind or any combination thereof. In-kind consideration may include the following:

(A) Real property.

(B) Personal property.

(C) Goods or services, including operation, maintenance, protection, repair, or restoration (including environmental restoration) of any property or facilities (including non-appropriated fund facilities).

(D) Base operating support services.

(E) Construction or improvement of Department facilities.

(F) Provision of facilities, including office, storage, or other usable space, for use by the Department on or off the Base.

(G) Public services.

(3) Consideration may not be for less than the fair market value.

(h) PROJECT FUND.—(1) There is established on the books of the Treasury a fund to be known as the ''Base Efficiency Project Fund'' into which all cash rents, proceeds, payments, reimbursements, and other amounts from leases, sales, or other conveyances or transfers, joint activities, and all other actions taken under the Project shall be deposited. All amounts deposited into the Project Fund are without fiscal year limitation.

(2) Amounts in the Project Fund may be used only for operation, base operating support services, maintenance, repair, construction, or improvement of Department facilities, payment of consideration for acquisitions of interests in real property (including payment of rentals for leasebacks), and environmental protection or restoration, in addition to or in combination with other amounts appropriated for these purposes.

(3) Subject to generally prescribed financial management regulations, the Secretary shall establish the structure of the Project Fund and such administrative policies and procedures as the Secretary considers necessary to account for and control deposits into and disbursements from the Project Fund effectively.

(4) All amounts in the Project Fund shall be available for use for the purposes authorized in paragraph (2) at the Base, except that the Secretary may redirect up to 50 per cent of amounts in the Project Fund for such uses at other installations under the control and jurisdiction of the Secretary as the Secretary determines necessary and in the best interest of the Department.

(i) FEDERAL AGENCIES.—(1)(A) Any Federal agency, its contractors, or its grantees shall pay rent, in cash or services, for the use of facilities or property at the Base, in an amount and type determined to be adequate by the Secretary.

(B) Such rent shall generally be the fair market rental of the property provided, but in any case shall be sufficient to compensate the Base for the direct and overhead costs incurred by the Base due to the presence of the tenant agency on the Base.

(2) Transfers of real or personal property at the Base to other Federal agencies shall be at fair market value consideration. Such consideration may be paid in cash, by appropriation transfer, or in property, goods, or services.

(3) Amounts received from other Federal agencies, their contractors, or grantees, including any amounts paid by appropriation transfer, shall be deposited in the Project Fund.

(j) ACQUISITION OF INTERESTS IN REAL PROPERTY.—(1) The Secretary may acquire any interest in real property in and around the Community that the Secretary determines will advance the purposes of the Project.

(2) The Secretary shall determine the value of the interest in the real property to be acquired and the consideration (if any) to be offered in exchange for the interest.

(3) The authority to acquire an interest in real property under this subsection includes authority to make surveys and acquire such interest by purchase, exchange, lease, or gift.

(4) Payments for such acquisitions may be made from amounts in the Project Fund or from such other funds appropriated or otherwise available to the Department for such purposes.

(k) REPORTS TO CONGRESS.—(1) Section 2662 of title 10, United States Code, shall not apply to transactions at the Base during the Project.

(2)(A) Not later than March 1 each year, the Secretary shall submit to the appropriate committees of Congress a report on any transactions at the Base during the preceding fiscal year that would be subject to such section 2662, but for paragraph (1).

(B) The report shall include a detailed cost analysis of the financial savings and gains realized through joint activities and other actions under the Project authorized by this section and a description of the status of the Project.

(l) LIMITATION.—None of the authorities in this section shall create any legal rights in any person or entity except rights embodied in leases, deeds, or contracts.

(m) EXPIRATION OF AUTHORITY.—The authority to enter into a lease, deed, permit, license, contract, or other agreement under this section shall expire on September 30, 2004.

(n) DEFINITIONS.—In this section:

(1) The term ''Project'' means the Base Efficiency Project authorized by this section.

(2) The term ''Base'' means Brooks Air Force Base, Texas.

(3) The term ''Community'' means the City of San Antonio, Texas.

(4) The term ''Department'' means the Department of the Air Force.

(5) The term ''facility'' means a building, structure, or other improvement to real property (except a military family housing unit as that term is used in subchapter IV of chapter 169 of title 10, United States Code).

(6) The term ''joint activity'' means an activity conducted on or for the benefit of the Base by the Department, jointly with the Community, the State, or any private entity, or any combination thereof.

(7) The term ''Project Fund'' means the Base Efficiency Project Fund established by subsection (h).

(8) The term ''public services'' means public services (except public schools, fire protection, and police protection) that are funded by local and State taxes and provided without specific charge to the public at large.

(9) The term ''Secretary'' means the Secretary of the Air Force or the Secretary's designee, who shall be a civilian official of the Department appointed by the President with the advice and consent of the Senate.

(10) The term ''State'' means the State of Texas.

SEC. 8159. (a) Subject to subsection (c) and except as provided in subsection (d), the Secretary of Defense may waive any domestic source requirement or domestic content requirement referred to in subsection (b) and thereby authorize procurements of items that are grown, reprocessed, reused, produced, or manufactured—

(1) inside a foreign country the government of which is a party to a reciprocal defense memorandum of understanding that is entered into with the Secretary of Defense and is in effect;

(2) inside the United States or its possessions; or

(3) inside the United States or its possessions partly or wholly from components grown, reprocessed, reused, produced, or manufactured outside the United States or its possessions.

(b) For purposes of this section:

(1) A domestic source requirement is any requirement under law that the Department of Defense must satisfy its needs for an item by procuring an item that is grown, reprocessed, reused, produced, or manufactured in the United States, its possessions, or a part of the national technology and industrial base.

(2) A domestic content requirement is any requirement under law that the Department must satisfy its needs for an item by procuring an item produced or manufactured partly or wholly from components grown, reprocessed, reused, produced, or manufactured in the United States or its possessions.

(c) The authority to waive a requirement under subsection (a) applies to procurements of items if the Secretary of Defense first determines that—

(1) the application of the requirement to procurements of those items would impede the reciprocal procurement of defense items under a memorandum of understanding providing for reciprocal procurement of defense items that is entered into between the Department of Defense and a foreign country in accordance with section 2531 of title 10, United States Code;

(2) the foreign country does not discriminate against items produced in the United States to a greater degree than the United States discriminates against items produced in that country; and

(3) one or more of the conditions set forth in section 2534(d) of title 10, United States Code, exists with respect to the procurement.

(d) LAWS NOT WAIVED.—The Secretary of Defense may not exercise the authority under subsection (a) to waive any of the following laws:

(1) The Small Business Act.

(2) The Javits-Wagner-O'Day Act (41 U.S.C. 46–48c).

(3) Sections 7309 and 7310 of title 10, United States Code, with respect to ships in Federal Supply Class 1905.

(4) Section 9005 of Public Law 102–396 (10 U.S.C. 2241 note), with respect to articles or items of textiles, apparel, shoe findings, tents, and flags listed in Federal Supply Classes 8305, 8310, 8315, 8320, 8335, 8340, and 8345 and articles or items of clothing, footware, individual equipment, and insignia listed in Federal Supply Classes 8405, 8410, 8415, 8420, 8425, 8430, 8435, 8440, 8445, 8450, 8455, 8465, 8470, and 8475.

(e) RELATIONSHIP TO OTHER WAIVER AUTHORITY.—The authority under subsection (a) to waive a domestic source requirement or domestic content requirement is in addition to any other authority to waive such requirement.

SEC. 8160. In addition to funds appropriated elsewhere in this Act, the amount appropriated in title III of this Act under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'' is hereby increased by $220,000,000 only to procure four (4) F–15E aircraft: *Provided*, That the amount provided in title IV of this Act under the heading ''RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, DEFENSE-WIDE'' is hereby reduced by $50,000,000 to reduce the total amount available for National Missile Defense: *Provided further*, That the amount provided in title III of this Act under the heading ''NATIONAL GUARD AND RESERVE EQUIPMENT'' is hereby reduced by $50,000,000 on a pro-rata basis: *Provided further*, That the amount provided in title III of this Act under the heading ''AIRCRAFT PROCUREMENT, AIR FORCE'' is hereby reduced by $70,000,000 to reduce the total amount available for Spares and Repair Parts: *Provided further*, That the amount provided in title III of this Act under the heading ''AIRCRAFT PROCUREMENT, NAVY'' is hereby reduced by $50,000,000 to reduce the total amount available for Spares and Repair Parts.

SEC. 8161. (a) FINDINGS.—Congress makes the following findings—

(1) on June 25, 1996, a bomb detonated not more than 80 feet from the Air Force housing complex known as Khobar Towers in Dhahran, Saudi Arabia, killing 19 members of the Air Force, and injuring hundreds more;

(2) an FBI investigation of the bombing, soon to enter its fourth year, has not yet determined who was responsible for the attack; and

(3) the Senate in Senate Resolution 273 in the One Hundred Fourth Congress condemned this terrorist attack in the strongest terms and urged the United States Government to use all reasonable means available to the Government of the United States to punish the parties responsible for the bombings.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the United States Government must continue its investigation into the Khobar Towers bombing until every terrorist involved is identified, held accountable, and punished;

(2) the FBI, together with the Department of State, should report to Congress no later than December 31, 1999, on the status of its investigation into the Khobar Towers bombing; and

(3) once responsibility for the attack has been established the United States Government must take steps to punish the parties involved.

TITLE IX

MILITARY LAND WITHDRAWALS

CHAPTER 1

RENEWAL OF MILITARY LAND WITHDRAWALS

SEC. 9001. SHORT TITLE. This chapter may be cited as the ''Military Lands Withdrawal Renewal Act of 1999''.

SEC. 9002. WITHDRAWALS. (a) MCGREGOR RANGE.—(1) Subject to valid existing rights and except as otherwise provided in this chapter, the public lands described in paragraph (3) are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws).

(2) Such lands are reserved for use by the Secretary of the Army—

(A) for training and weapons testing; and

(B) subject to the requirements of section 9004(f), for other defense-related purposes consistent with the purposes specified in this paragraph.

(3) The lands referred to in paragraph (1) are the lands comprising approximately 608,384.87 acres in Otero County, New Mexico, as generally depicted on the map entitled ''McGregor Range Withdrawal—Proposed'', dated January 1985, and withdrawn by the provisions of section 1(d) of the Military Lands Withdrawal Act of 1986. Such lands do not include any portion of the lands so withdrawn that were relinquished to the Secretary of the Interior under the provisions of that Act.

(4) Any of the public lands withdrawn under paragraph (1) which, as of the date of the enactment of this Act, are managed pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) shall continue to be managed under that section until otherwise expressly provided by law.

(b) FORT GREELY MANEUVER AREA AND FORT GREELY AIR DROP ZONE.—(1) Subject to valid existing rights and except as otherwise provided in this chapter, the lands described in paragraph (3) are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws), under the Act entitled ''An Act to provide for the admission of the State of Alaska into the Union'', approved July 7, 1958 (48 U.S.C. note prec. 21), and under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(2) Such lands are reserved for use by the Secretary of the Army for—

(A) military maneuvering, training, and equipment development and testing; and

(B) subject to the requirements of section 9004(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(3)(A) The lands referred to in paragraph (1) are—

(i) the lands comprising approximately 571,995 acres in the Big Delta Area, Alaska, as generally depicted on the map entitled ''Fort Greely Maneuver Area Withdrawal—Proposed'', dated January 1985, and withdrawn by the provisions of section 1(e) of the Military Lands Withdrawal Act of 1986; and

(ii) the lands comprising approximately 51,590 acres in the Granite Creek Area, Alaska, as generally depicted on the map entitled ''Fort Greely, Air Drop Zone Withdrawal—Proposed'', dated January 1985, and withdrawn by the provisions of such section.

(B) Such lands do not include any portion of the lands so withdrawn that were relinquished to the Secretary of the Interior under the provisions of that Act.

(c) FORT WAINWRIGHT MANEUVER AREA.—(1) Subject to valid existing rights and except as otherwise provided in this chapter, the public lands described in paragraph (3) are hereby withdrawn from all forms of appropriation under the public land laws (including the mining laws and the mineral leasing and the geothermal leasing laws), under the Act entitled ''An Act to provide for the admission of the State of Alaska into the Union'', approved July 7, 1958 (48 U.S.C. note prec. 21), and under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(2) Such lands are reserved for use by the Secretary of the Army for—

(A) military maneuvering;

(B) training for artillery firing, aerial gunnery, and infantry tactics; and

(C) subject to the requirements of section 9004(f), other defense-related purposes consistent with the purposes specified in this paragraph.

(3) The lands referred to in paragraph (1) are the lands comprising approximately 247,951.67 acres of land in the Fourth Judicial District, Alaska, as generally depicted on the map entitled ''Fort Wainwright Maneuver Area Withdrawal—Proposed'', dated January 1985, and withdrawn by the provisions of section 1(f) of the Military Lands Withdrawal Act of 1986. Such lands do not include any portion of the lands so withdrawn that were relinquished to the Secretary of the Interior under the provisions of that Act.

SEC. 9003. MAPS AND LEGAL DESCRIPTIONS. (a) PUBLICATION AND FILING REQUIREMENT.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the lands withdrawn by this chapter; and

(2) file maps and the legal description of the lands withdrawn by this chapter with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(b) TECHNICAL CORRECTIONS.—Such maps and legal descriptions shall have the same force and effect as if they were included in this chapter except that the Secretary of the Interior may correct clerical and typographical errors in such maps and legal descriptions.

(c) AVAILABILITY FOR PUBLIC INSPECTION.—Copies of such maps and legal descriptions shall be available for public inspection in the following offices:

(1) The Office of the Secretary of Defense.

(2) The offices of the Director and appropriate State Directors of the Bureau of Land Management.

(3) The offices of the Director and appropriate Regional Directors of the United States Fish and Wildlife Service.

(4) The office of the commander, McGregor Range.

(5) The office of the installation commander, Fort Richardson, Alaska.

(d) REIMBURSEMENT.—The Secretary of Defense shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in carrying out this section.

SEC. 9004. MANAGEMENT OF WITHDRAWN LANDS. (a) MANAGEMENT BY SECRETARY OF THE INTERIOR.—(1) The Secretary of the Interior shall manage the lands withdrawn by this chapter pursuant to the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable law, including the Recreation Use of Wildlife Areas Act of 1962 (16 U.S.C. 460k et seq.) and this chapter. The Secretary shall manage such lands through the Bureau of Land Management.

(2) To the extent consistent with applicable law and Executive orders, the lands withdrawn by this chapter may be managed in a manner permitting—

(A) the continuation of grazing pursuant to applicable law and Executive orders where permitted on the date of the enactment of this Act;

(B) protection of wildlife and wildlife habitat;

(C) control of predatory and other animals;

(D) recreation; and

(E) the prevention and appropriate suppression of brush and range fires resulting from nonmilitary activities.

(3)(A) All nonmilitary use of the lands withdrawn by this chapter, other than the uses described in paragraph (2), shall be subject to such conditions and restrictions as may be necessary to permit the military use of such lands for the purposes specified in or authorized pursuant to this chapter.

(B) The Secretary of the Interior may issue any lease, easement, right-of-way, or other authorization with respect to the nonmilitary use of such lands only with the concurrence of the Secretary of the military department concerned.

(b) CLOSURE TO PUBLIC.—(1) If the Secretary of the military department concerned determines that military operations, public safety, or national security require the closure to public use of any road, trail, or other portion of the lands withdrawn by this chapter, that Secretary may take such action as that Secretary determines necessary to effect and maintain such closure.

(2) Any such closure shall be limited to the minimum areas and periods which the Secretary of the military department concerned determines are required to carry out this subsection.

(3) During any closure under this subsection, the Secretary of the military department concerned shall—

(A) keep appropriate warning notices posted; and

(B) take appropriate steps to notify the public concerning such closures.

(c) MANAGEMENT PLAN.—(1)(A) The Secretary of the Interior (after consultation with the Secretary of the military department concerned) shall develop a plan for the management of each area withdrawn by this chapter.

(2) Each plan shall—

(A) be consistent with applicable law;

(B) be subject to conditions and restrictions specified in subsection (a)(3); and

(C) include such provisions as may be necessary for proper management and protection of the resources and values of such areas.

(3) The Secretary of the Interior shall develop each plan required by this subsection not later than three years after the date of the enactment of this Act. In developing a plan for an area, the Secretary may utilize or modify appropriate provisions of the management plan developed for the area under section 3(c) of the Military Lands Withdrawal Act of 1986.

(d) BRUSH AND RANGE FIRES.—(1) The Secretary of the military department concerned shall take necessary precautions to prevent and suppress brush and range fires occurring within and outside the lands withdrawn by this chapter as a result of military activities and may seek assistance from the Bureau of Land Management in the suppression of such fires.

(2) Each memorandum of understanding required by subsection (e) shall provide for Bureau of Land Management assistance in the suppression of fires referred to in paragraph (1) in the area covered by the memorandum of understanding, and for a transfer of funds from the military department concerned to the Bureau of Land Management as compensation for such assistance.

(e) MEMORANDUM OF UNDERSTANDING.—(1) The Secretary of the Interior and the Secretary of the military department concerned shall (with respect to each area withdrawn by section 9002) enter into a memorandum of understanding to implement the management plan developed under subsection (c).

(2) Each memorandum of understanding shall provide that the Director of the Bureau of Land Management shall provide assistance in the suppression of fires resulting from the military use of lands withdrawn by this chapter if requested by the Secretary of the military department concerned.

(f) ADDITIONAL MILITARY USES.—(1) The lands withdrawn by this chapter may be used for defense-related uses other than those specified in the applicable provision of section 9002. The use of such lands for such purposes shall be governed by all laws applicable to such lands, including this chapter.

(2)(A) The Secretary of Defense shall promptly notify the Secretary of the Interior in the event that the lands withdrawn by this chapter will be used for defense-related purposes other than those specified in section 9002.

(B) Such notification shall indicate the additional use or uses involved, the proposed

duration of such uses, and the extent to which such additional military uses of the lands will require that additional or more stringent conditions or restrictions be imposed on otherwise-permitted nonmilitary uses of the land or portions thereof.

(3) Subject to valid existing rights, the Secretary of the military department concerned may utilize sand, gravel, or similar mineral or material resources on the lands withdrawn by this chapter when the use of such resources is required to meet the construction needs of the military department concerned on the lands withdrawn by this chapter.

SEC. 9005. LAND MANAGEMENT ANALYSIS. (a) PERIODIC ANALYSIS REQUIRED.—Not later than 10 years after the date of the enactment of this Act, and every 10 years thereafter, the Secretary of the military department concerned shall, in consultation with the Secretary of the Interior, conduct an analysis of the degree to which the management of the lands withdrawn by this chapter conforms to the requirements of laws applicable to the management of such lands, including this chapter.

(b) DEADLINE.—Each analysis under this section shall be completed not later than 270 days after the commencement of such analysis.

(c) LIMITATION ON COST.—The cost of each analysis under this section may not exceed $900,000 in constant 1999 dollars.

(d) REPORT.—Not later than 90 days after the date of the completion of an analysis under this section, the Secretary of the military department concerned shall submit to Congress a report on the analysis. The report shall set forth the results of the analysis and include any other matters relating to the management of the lands withdrawn by this chapter that such Secretary considers appropriate.

SEC. 9006. ONGOING ENVIRONMENTAL RESTORATION. (a) REQUIREMENT.—To the extent provided in advance in appropriations Acts, the Secretary of the military department concerned shall carry out a program to provide for the environmental restoration of the lands withdrawn by this chapter in order to ensure a level of environmental decontamination of such lands equivalent to the level of environmental decontamination that exists on such lands as of the date of the enactment of this Act.

(b) REPORTS.—(1) At the same time the President submits to Congress the budget for any fiscal year after fiscal year 2000, the Secretary of the military department concerned shall submit to the committees referred to in paragraph (2) a report on environmental restoration activities relating to the lands withdrawn by this chapter. The report shall satisfy the requirements of section 2706(a) of title 10, United States Code, with respect to the activities on such lands.

(2) The committees referred to in paragraph (1) are the Committees on Appropriations, Armed Services, and Energy and Natural Resources of the Senate and the Committees on Appropriations, Armed Services, and Resources of the House of Representatives.

SEC. 9007. RELINQUISHMENT. (a) AUTHORITY.—The Secretary of the military department concerned may relinquish all or any of the lands withdrawn by this chapter to the Secretary of the Interior.

(b) NOTICE.—If the Secretary of the military department concerned determines to relinquish any lands withdrawn by this chapter under subsection (a), that Secretary shall transmit to the Secretary of the Interior a notice of intent to relinquish such lands.

(c) DETERMINATION OF CONTAMINATION.—(1) Before transmitting a notice of intent to relinquish any lands under subsection (b), the Secretary of Defense, acting through the military department concerned, shall determine whether and to what extent such lands are contaminated with explosive, toxic, or other hazardous materials.

(2) A copy of a determination with respect to any lands under paragraph (1) shall be transmitted to the Secretary of the Interior together with the notice of intent to relinquish such lands under subsection (b).

(3) Copies of both the notice of intent to relinquish lands under subsection (b) and the determination regarding the contamination of such lands under this subsection shall be published in the Federal Register by the Secretary of the Interior.

(d) DECONTAMINATION.—(1) If any land subject to a notice of intent to relinquish under subsection (a) is contaminated, and the Secretary of the Interior, in consultation with the Secretary of the military department concerned, makes the determination described in paragraph (2), the Secretary of the military department concerned shall, to the extent provided in advance in appropriations Acts, undertake the environmental decontamination of the land.

(2) A determination referred to in this paragraph is a determination that—

(A) decontamination of the land concerned is practicable and economically feasible (taking into consideration the potential future use and value of the land); and

(B) upon decontamination, the land could be opened to operation of some or all of the public land laws, including the mining laws.

(e) ALTERNATIVES.—(1) If a circumstance described in paragraph (2) arises with respect to any land which is covered by a notice of intent to relinquish under subsection (a), the Secretary of the Interior shall not be required to accept the land under this section.

(2) A circumstance referred to in this paragraph is—

(A) a determination by the Secretary of the Interior, in consultation with the Secretary of the military department concerned that—

(i) decontamination of the land is not practicable or economically feasible; or

(ii) the land cannot be decontaminated to a sufficient extent to permit its opening to the operation of some or all of the public land laws; or

(B) the appropriation by Congress of amounts that are insufficient to provide for the decontamination of the land.

(f) STATUS OF CONTAMINATED LANDS.—If, because of their contaminated state, the Secretary of the Interior declines to accept jurisdiction over lands withdrawn by this chapter which have been proposed for relinquishment under subsection (a)—

(1) the Secretary of the military department concerned shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands; and

(2) the Secretary of the military department concerned shall report to the Secretary of the Interior and to Congress concerning the status of such lands and all actions taken in furtherance of this subsection.

(g) REVOCATION OF AUTHORITY.—(1) Notwithstanding any other provision of law, the Secretary of the Interior may, upon deciding that it is in the public interest to accept jurisdiction over lands proposed for relinquishment pursuant to subsection (a), revoke the withdrawal established by this chapter as it applies to such lands.

(2) Should the decision be made to revoke the withdrawal, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(A) terminate the withdrawal;

(B) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(C) state the date upon which the lands will be opened to the operation of some or all of the public lands laws, including the mining laws.

(h) TREATMENT OF CERTAIN RELINQUISHED LANDS.—Any lands withdrawn by section 9002(b) or 9002(c) that are relinquished under this section shall be public lands under the jurisdiction of the Bureau of Land Management and shall be consider vacant, unreserved, and unappropriated for purposes of the public land laws.

SEC. 9008. DELEGABILITY. (a) DEFENSE.—The functions of the Secretary of Defense or of the Secretary of a military department under this chapter may be delegated.

(b) INTERIOR.—The functions of the Secretary of the Interior under this chapter may be delegated, except that an order described in section 9007(g) may be approved and signed only by the Secretary of the Interior, the Under Secretary of the Interior, or an Assistant Secretary of the Interior.

SEC. 9009. WATER RIGHTS. Nothing in this chapter shall be construed to establish a reservation to the United States with respect to any water or water right on the lands described in section 9002. No provision of this chapter shall be construed as authorizing the appropriation of water on lands described in section 9002 by the United States after the date of the enactment of this Act except in accordance with the law of the relevant State in which lands described in section 9002 are located. This section shall not be construed to affect water rights acquired by the United States before the date of the enactment of this Act.

SEC. 9010. HUNTING, FISHING, AND TRAPPING. All hunting, fishing, and trapping on the lands withdrawn by this chapter shall be conducted in accordance with the provisions of section 2671 of title 10, United States Code.

SEC. 9011. MINING AND MINERAL LEASING. (a) DETERMINATION OF LANDS SUITABLE FOR OPENING.—(1) As soon as practicable after the date of the enactment of this Act and at least every five years thereafter, the Secretary of the Interior shall determine, with the concurrence of the Secretary of the military department concerned, which public and acquired lands (except as provided in this subsection) described in subsections (a), (b), and (c) of section 9002 the Secretary of the Interior considers suitable for opening to the operation of the Mining Law of 1872, the Mineral Lands Leasing Act of 1920, the Mineral Leasing Act for Acquired Lands of 1947, the Geothermal Steam Act of 1970, or any one or more of such Acts.

(2) The Secretary of the Interior shall publish a notice in the Federal Register listing the lands determined suitable for opening pursuant to this section and specifying the opening date.

(b) OPENING LANDS.—On the day specified by the Secretary of the Interior in a notice published in the Federal Register pursuant to subsection (a), the land identified under subsection (a) as suitable for opening to the operation of one or more of the laws specified in subsection (a) shall automatically be open to the operation of such laws without the necessity for further action by the Secretary or Congress.

(c) EXCEPTION FOR COMMON VARIETIES.—No deposit of minerals or materials of the types

identified by section 3 of the Act of July 23, 1955 (69 Stat. 367), whether or not included in the term ''common varieties'' in that Act, shall be subject to location under the Mining Law of 1872 on lands described in section 9002.

(d) REGULATIONS.—(1) The Secretary of the Interior, with the advice and concurrence of the Secretary of the military department concerned, shall prescribe such regulations to implement this section as may be necessary to assure safe, uninterrupted, and unimpeded use of the lands described in section 9002 for military purposes.

(2) Such regulations shall contain guidelines to assist mining claimants in determining how much, if any, of the surface of any lands opened pursuant to this section may be used for purposes incident to mining.

(e) CLOSURE OF MINING LANDS.—In the event of a national emergency or for purposes of national defense or security, the Secretary of the Interior, at the request of the Secretary of the military department concerned, shall close any lands that have been opened to mining or to mineral or geothermal leasing pursuant to this section.

(f) LAWS GOVERNING MINING ON WITHDRAWN LANDS.—(1) Except as otherwise provided in this chapter, mining claims located pursuant to this chapter shall be subject to the provisions of the mining laws. In the event of a conflict between those laws and this chapter, this chapter shall prevail.

(2) All mining claims located under the terms of this chapter shall be subject to the provisions of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

(g) PATENTS.—(1) Patents issued pursuant to this chapter for locatable minerals shall convey title to locatable minerals only, together with the right to use so much of the surface as may be necessary for purposes incident to mining under the guidelines for such use established by the Secretary of the Interior by regulation.

(2) All such patents shall contain a reservation to the United States of the surface of all lands patented and of all nonlocatable minerals on those lands.

(3) For the purposes of this subsection, all minerals subject to location under the Mining Law of 1872 shall be treated as locatable minerals.

SEC. 9012. IMMUNITY OF UNITED STATES. The United States and all departments or agencies thereof shall be held harmless and shall not be liable for any injuries or damages to persons or property suffered in the course of any mining or mineral or geothermal leasing activity conducted on lands described in section 9002.

CHAPTER 2

MCGREGOR RANGE LAND WITHDRAWAL

SEC. 9051. SHORT TITLE. This chapter may be cited as the ''McGregor Range Withdrawal Act''.

SEC. 9052. DEFINITIONS. In this chapter:

(1) The term ''Materials Act'' means the Act of July 31, 1947 (commonly known as the Materials Act of 1947; 30 U.S.C. 601–604).

(2) The term ''management plan'' means the natural resources management plan prepared by the Secretary of the Army pursuant to section 9055(e).

(3) The term ''withdrawn lands'' means the lands described in subsection (d) of section 9053 that are withdrawn and reserved under section 9053.

(4) The term ''withdrawal period'' means the period specified in section 9057(a).

SEC. 9053. WITHDRAWAL AND RESERVATION OF LANDS AT MCGREGOR RANGE, NEW MEXICO.

(a) WITHDRAWAL.—Subject to valid existing rights, and except as otherwise provided in this chapter, the Federal lands at McGregor Range in the State of New Mexico that are described in subsection (d) are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, but not the Materials Act.

(b) PURPOSE.—The purpose of the withdrawal is to support military training and testing, all other uses of the withdrawn lands shall be secondary in nature.

(c) RESERVATION.—The withdrawn lands are reserved for use by the Secretary of the Army for military training and testing.

(d) LAND DESCRIPTION.—The lands withdrawn and reserved by this section (a) comprise approximately 608,000 acres of Federal land in Otero County, New Mexico, as generally depicted on the map entitled ''McGregor Range Land Withdrawal-Proposed,'' dated January ____, 1999, and filed in accordance with section 9054.

SEC. 9054. MAPS AND LEGAL DESCRIPTION. (a) PREPARATION OF MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of the enactment of this Act, the Secretary of the Interior shall—

(1) publish in the Federal Register a notice containing the legal description of the withdrawn lands; and

(2) file one or more maps of the withdrawn lands and the legal description of the withdrawn lands with the Committee on Energy and Natural Resources of the Senate and with the Committee on Resources of the House of Representatives.

(b) LEGAL EFFECT.—The maps and legal description shall have the same force and effect as if they were included in this chapter, except that the Secretary of the Interior may correct clerical and typographical errors in the maps and legal description.

(c) AVAILABILITY.—Copies of the maps and the legal description shall be available for public inspection in the offices of the New Mexico State Director and Las Cruces Field Office Manager of the Bureau of Land Management and in the office of the Commander Officer of Fort Bliss, Texas.

SEC. 9055. MANAGEMENT OF WITHDRAWN LANDS. (a) GENERAL MANAGEMENT AUTHORITY.—During the withdrawal period, the Secretary of the Army shall manage the withdrawn lands, in accordance with the provisions of this chapter and the management plan prepared under subsection (e), for the military purposes specified in section 9053(c).

(b) ACCESS RESTRICTIONS.—

(1) AUTHORITY TO CLOSE.—Subject to paragraph (2), if the Secretary of the Army determines that military operations, public safety, or national security require the closure to public use of any portion of the withdrawn lands (including any road or trail therein) commonly in public use, the Secretary of the Army is authorized to take such action.

(2) REQUIREMENTS.—Any closure under paragraph (1) shall be limited to the minimum areas and periods required for the purposes specified in such paragraph. During a closure, the Secretary of the Army shall keep appropriate warning notices posted and take appropriate steps to notify the public about the closure.

(c) MANAGEMENT OF WITHDRAWN AND ACQUIRED MINERAL RESOURCES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of the Interior shall manage all withdrawn and acquired mineral resources within the boundaries of McGregor Range in accordance with Public Law 85–337 (commonly known as the Engle Act; 43 U.S.C. 155–158).

(2) MANAGEMENT OF MINERAL MATERIALS.—Notwithstanding any other provision of this chapter or the Materials Act, the Secretary of the Army may use, from the withdrawn lands, sand, gravel, or similar mineral material resources of the type subject to disposition under the Materials Act, when the use of such resources is required for construction needs of Fort Bliss.

(d) HUNTING, FISHING, AND TRAPPING.—All hunting, fishing, and trapping on the withdrawn lands shall be conducted in accordance with section 2671 of title 10, United States Code, and the Sikes Act (16 U.S.C. 670 et seq.).

(e) MANAGEMENT PLAN.—

(1) REQUIRED.—The Secretary of the Army and the Secretary of the Interior shall jointly develop a natural resources management plan for the lands withdrawn under this chapter for the withdrawal period. The management plan shall be developed not later than three years after the date of the enactment of this Act and shall be reviewed at least once every five years after its adoption to determine if it should be amended.

(2) CONTENT.—The management plan shall—

(A) include provisions for proper management and protection of the natural, cultural, and other resources and values of the withdrawn lands and for use of such resources to the extent consistent with the purpose of the withdrawal specified in section 9053(b);

(B) identify the withdrawn lands (if any) that are suitable for opening to the operation of the mineral leasing or geothermal leasing laws;

(C) provide for the continuation of livestock grazing at the discretion of the Secretary of the Army under such authorities as are available to the Secretary; and

(D) provide that the Secretary of the Army shall take necessary precautions to prevent, suppress, or manage brush and range fires occurring within the boundaries of McGregor Range, as well as brush and range fires occurring outside the boundaries of McGregor Range resulting from military activities at the range.

(3) FIRE SUPPRESSION ASSISTANCE.—The Secretary of the Army may seek assistance from the Bureau of Land Management in suppressing any brush or range fire occurring within the boundaries of McGregor Range or any brush or range fire occurring outside the boundaries of McGregor Range resulting from military activities at the range. The memorandum of understanding under section 9056 shall provide for assistance from the Bureau of Land Management in the suppression of such fires and require the Secretary of the Army to reimburse the Bureau of Land Management for such assistance.

SEC. 9056. MEMORANDUM OF UNDERSTANDING. (a) REQUIREMENT.—The Secretary of the Army and the Secretary of the Interior shall enter into a memorandum of understanding to implement this chapter and the management plan.

(b) DURATION.—The duration of the memorandum of understanding shall be the same as the withdrawal period.

(c) AMENDMENT.—The memorandum of understanding may be amended by agreement of both Secretaries.

SEC. 9057. TERMINATION OF WITHDRAWAL AND RESERVATION; EXTENSION. (a) TERMINATION DATE.—The withdrawal and reservation made by this chapter shall terminate 50 years after the date of enactment of this Act.

(b) REQUIREMENTS FOR EXTENSION.—

(1) NOTICE OF CONTINUED MILITARY NEED.—Not later than five years before the end of the withdrawal period, the Secretary of the Army shall advise the Secretary of the Interior as to whether or not the Army will have a continuing military need for any or all of the withdrawn lands after the end of the withdrawal period.

(2) APPLICATION FOR EXTENSION.—If the Secretary of the Army determines that there will be a continuing military need for any or all of the withdrawn lands after the end of the withdrawal period, the Secretary of the Army shall file an application for extension of the withdrawal and reservation of the lands in accordance with the then existing regulations and procedures of the Department of the Interior applicable to extension of withdrawal of lands for military purposes and that are consistent with this chapter. The application shall be filed with the Department of the Interior not later than four years before the end of the withdrawal period.

(c) LIMITATION ON EXTENSION.—The withdrawal and reservation made by this chapter may not be extended or renewed except by Act or joint resolution.

SEC. 9058. RELINQUISHMENT OF WITHDRAWN LANDS. (a) FILING OF RELINQUISHMENT NOTICE.—If, during the withdrawal period, the Secretary of the Army decides to relinquish all or any portion of the withdrawn lands, the Secretary of the Army shall file a notice of intention to relinquish with the Secretary of the Interior.

(b) DETERMINATION OF PRESENCE OF CONTAMINATION.—Before transmitting a relinquishment notice under subsection (a), the Secretary of the Army, in consultation with the Secretary of the Interior, shall prepare a written determination concerning whether and to what extent the lands to be relinquished are contaminated with explosive, toxic, or other hazardous wastes and substances. A copy of such determination shall be transmitted with the relinquishment notice.

(c) DECONTAMINATION AND REMEDIATION.—In the case of contaminated lands which are the subject of a relinquishment notice, the Secretary of the Army shall decontaminate or remediate the land to the extent that funds are appropriated for such purpose if the Secretary of the Interior, in consultation with the Secretary of the Army, determines that—

(1) decontamination or remediation of the lands is practicable and economically feasible, taking into consideration the potential future use and value of the land; and

(2) upon decontamination or remediation, the land could be opened to the operation of some or all of the public land laws, including the mining laws.

(d) DECONTAMINATION AND REMEDIATION ACTIVITIES SUBJECT TO OTHER LAWS.—The activities of the Secretary of the Army under subsection (c) are subject to applicable laws and regulations, including the Defense Environmental Restoration Program established under section 2701 of title 10, United States Code, the Comprehensive Environmental Response Compensation and Liability Act of 1980 (42 U.S.C. 9601 et seq.), and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(e) AUTHORITY OF SECRETARY OF THE INTERIOR TO REFUSE CONTAMINATED LANDS.—The Secretary of the Interior shall not be required to accept lands specified in a relinquishment notice if the Secretary of the Interior, after consultation with the Secretary of the Army, concludes that—

(1) decontamination or remediation of any land subject to the relinquishment notice is not practicable or economically feasible;

(2) the land cannot be decontaminated or remediated sufficiently to be opened to operation of some or all of the public land laws; or

(3) a sufficient amount of funds are not appropriated for the decontamination of the land.

(f) STATUS OF CONTAMINATED LANDS.—If, because of the condition of the lands, the Secretary of the Interior declines to accept jurisdiction of lands proposed for relinquishment or, if at the expiration of the withdrawal made under this chapter, the Secretary of the Interior determines that some of the withdrawn lands are contaminated to an extent which prevents opening such contaminated lands to operation of the public land laws—

(1) the Secretary of the Army shall take appropriate steps to warn the public of the contaminated state of such lands and any risks associated with entry onto such lands;

(2) after the expiration of the withdrawal, the Secretary of the Army shall retain jurisdiction over the withdrawn lands, but shall undertake no activities on such lands except in connection with the decontamination or remediation of such lands; and

(3) the Secretary of the Army shall report to the Secretary of the Interior and to the Congress concerning the status of such lands and all actions taken under paragraphs (1) and (2).

(g) SUBSEQUENT DECONTAMINATION OR REMEDIATION.—If lands covered by subsection (f) are subsequently decontaminated or remediated and the Secretary of the Army certifies that the lands are safe for nonmilitary uses, the Secretary of the Interior shall reconsider accepting jurisdiction over the lands.

(h) REVOCATION AUTHORITY.—Notwithstanding any other provision of law, upon deciding that it is in the public interest to accept jurisdiction over lands specified in a relinquishment notice, the Secretary of the Interior may revoke the withdrawal and reservation made under this chapter as it applies to such lands. If the decision be made to accept the relinquishment and to revoke the withdrawal and reservation, the Secretary of the Interior shall publish in the Federal Register an appropriate order which shall—

(1) terminate the withdrawal and reservation;

(2) constitute official acceptance of full jurisdiction over the lands by the Secretary of the Interior; and

(3) state the date upon which the lands will be opened to the operation of the public land laws, including the mining laws, if appropriate.

SEC. 9059. DELEGATIONS OF AUTHORITY. (a) SECRETARY OF THE ARMY.—The functions of the Secretary of the Army under this chapter may be delegated.

(b) SECRETARY OF THE INTERIOR.—The functions of the Secretary of the Interior under this chapter may be delegated, except that an order under section 9058(h) to accept relinquishment of withdrawn lands may be approved and signed only by the Secretary of the Interior, the Deputy Secretary of the Interior, or an Assistant Secretary of the Interior.

TITLE X

SUSPENSION OF CERTAIN SANCTIONS AGAINST INDIA AND PAKISTAN

SEC. 10001. SUSPENSION OF SANCTIONS. (a) IN GENERAL.—Effective for the period of five years commencing on the date of enactment of this Act, the sanctions contained in the following provisions of law shall not apply to India and Pakistan with respect to any grounds for the imposition of sanctions under those provisions arising prior to that date:

(1) Section 101 of the Arms Export Control Act (22 U.S.C. 2799aa).

(2) Section 102 of the Arms Export Control Act (22 U.S.C. 2799aa–1) other than subsection (b)(2)(B), (C), or (G).

(3) Section 2(b)(4) of the Export Import Bank Act of 1945 (12 U.S.C. 635(b)(4)).

(b) SPECIAL RULE FOR COMMERCIAL EXPORTS OF DUAL-USE ARTICLES AND TECHNOLOGY.—The sanction contained in section 102(b)(2)(G) of the Arms Export Control Act (22 U.S.C. 2799aa–1(b)(2)(G)) shall not apply to India or Pakistan with respect to any grounds for the imposition of that sanction arising prior to the date of enactment of this Act if imposition of the sanction (but for this paragraph) would deny any license for the export of any dual-use article, or related dual-use technology (including software), listed on the Commerce Control List of the Export Administration Regulations that would not contribute directly to missile development or to a nuclear weapons program. For purposes of this subsection, an article or technology that is not primarily used for missile development or nuclear weapons programs.

(c) NATIONAL SECURITY INTERESTS WAIVER OF SANCTIONS.—

(1) IN GENERAL.—The restriction on assistance in section 102(b)(2)(B), (C), or (G) of the Arms Export Control Act shall not apply if the President determines, and so certifies to Congress, that the application of the restriction would not be in the national security interests of the United States.

(2) SENSE OF THE SENATE.—It is the sense of the Senate that—

(A) no waiver under paragraph (1) should be invoked for section 102(b)(2)(B) or (C) of the Arms Export Control Act with respect to any party that initiates or supports activities that jeopardize peace and security in Jammu and Kashmir;

(B) the broad application of export controls to nearly 300 Indian and Pakistani entities is inconsistent with the specific national security interests of the United States and that this control list requires refinement; and

(C) export controls should be applied only to those Indian and Pakistani entities that make direct and material contributions to weapons of mass destruction and missile programs and only to those items that can contribute such programs.

(d) REPORTING REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit a report to the appropriate congressional committees listing those Indian and Pakistani entities whose activities contribute directly and materially to missile programs or weapons of mass destruction programs.

(e) CONGRESSIONAL NOTIFICATION.—A license for the export of a defense article, defense service, or technology is subject to the same requirements as are applicable to the export of items described in section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)), including the transmittal of information and the application of congressional review procedures described in that section.

(f) RENEWAL OF SUSPENSION.—Upon the expiration of the initial five-year period of suspension of the sanctions contained in paragraph (1) or (2) of subsection (a), the President may renew the suspension with respect to India, Pakistan, or both for additional periods of five years each if, not less than 30 days prior to each renewal of suspension, the

President certifies to the appropriate congressional committees that it is in the national interest of the United States to do so.

(g) RESTRICTION.—The authority of subsection (a) may not be used to provide assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.; relating to economic support fund assistance) except for—

(1) assistance that supports the activities of nongovernmental organizations;

(2) assistance that supports democracy or the establishment of democratic institutions; or

(3) humanitarian assistance.

(h) STATUTORY CONSTRUCTION.—Nothing in this Act prohibits the imposition of sanctions by the President under any provision of law specified in subsection (a) or (b) by reason of any grounds for the imposition of sanctions under that provision of law arising on or after the date of enactment of this Act.

SEC. 10002. REPEALS. The following provisions of law are repealed:

(1) Section 620E(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2375(e)).

(2) The India-Pakistan Relief Act (title IX of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, as contained in section 101(a) of Public Law 105–277).

SEC. 10003. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED. In this title, the term ''appropriate congressional committees'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

This Act may be cited as the ''Department of Defense Appropriations Act, 2000''.

RECOGNITION OF JEANINE ESPERNE

Mr. KYL. Mr. President, it is common for Members of the Senate to thank members of their staff, particularly after handling an important piece of legislation. I am sure our constituents realize much of what we do is in reliance on very capable members of our staff. I have never taken the opportunity to talk about a member of my staff before, but on this occasion I wish to do so very briefly, because tomorrow a member of my staff is leaving to go on to another wonderful opportunity. I think it is important to recognize her as someone who embodies really the qualifications and the qualities of staff that all of us would like to have work with us and represent our constituents' interests.

Her name is Jeanine Esperne. She began working with me about a dozen years ago when I was a Member of the House of Representatives and served on the House Armed Services Committee. She became my chief legislative assistant on defense matters. She came from the office of General Abramson, who at the time was head of the Strategic Defense Initiative Organization at the Pentagon, with rich experience in defense and national security matters.

She worked with me as staff person on my Defense Armed Services Committee matters throughout my career in the House. Then, when I came to the Senate, she remained on my staff responsible for all foreign policy and national security matters.

That was important, because I began serving immediately on the Senate Select Committee on Intelligence in an active capacity and had a significant need for someone of her qualifications and experience.

In addition to that, I chaired the Subcommittee on Technology, Terrorism, and Government Information of the Judiciary Committee, again requiring someone with her expertise to assist me in those matters.

Throughout her tenure on my staff, she has worked with Arizona companies and interests that have important defense-related concerns and with other people around the country who share a strong desire that we have a strong national defense, including contractors and other individuals with a direct interest in the government process.

During this time, the feedback I received from both my own constituents and others around the country was uniformly in praise of Jeanine Esperne for her willingness to listen, her professionalism, the fact she used time very economically. She didn't waste time; she understood that time was important to everyone. She got her job done very quickly with a minimum of excess effort, almost always satisfying the interests of the constituent or the person with whom we were trying to work.

It is with mixed emotions that today I pay tribute to Jeanine Esperne on her next to last day on my staff as she moves on to another opportunity. I do so not only because she has worked for me in a way which exemplifies the way most Members would have their staffs work with them, but I think it is important for our constituency to know that we have very fine staff in the Congress, that our work could not be done without that staff, and that when we take the opportunity to praise the staff, it is really to praise their exceptional abilities and the way in which they have served our constituents.

In the case of Jeanine Esperne, I certainly express all of those sentiments, wish her very well in her new endeavors, and certainly suggest that occasionally those Members who are so busy doing jobs here take the time more often to thank those staff who, after all, are responsible for so much of our success.

Jeanine Esperne, good wishes and thank you for all of your services on behalf of the U.S. Government, and on my behalf specifically.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

KOSOVO

Mr. DASCHLE. Mr. President, the agreement signed yesterday between NATO and Yugoslavia is hopeful news as we move toward our goals of ending the atrocities and genocide in Kosovo and bolstering stability in southeastern Europe. The vote by the UN Security Council today authorizing an international peacekeeping force in Kosovo is yet another hopeful sign.

This agreement is a victory for freedom. It is a defeat for dictators around the world. NATO's resolve to halt and redress Milosevic's crimes against humanity sends an important message to world leaders who engage in ethnic cleansing and other atrocities. NATO's victory over Yugoslav aggression also sends a positive signal to the forces of democracy in the region.

President Clinton deserves immense credit for his leadership throughout this 11-week military operation. When so many said it was impossible, he kept a 19-member NATO alliance intact. When so many said it would never work, he stuck to the air campaign that led that NATO alliance to victory.

The President never wavered in his commitment to the alliance's goals of ending the atrocities in Kosovo, forcing the withdrawal of Serb forces from the region, and ensuring the safe return of Kosovar refugees to their homes. President Clinton's steadfast resolve, together with our NATO allies, forced President Milosevic to back down and accept NATO's conditions for a halt in the bombing campaign.

It would appear that some of those who were most critical of the President's Kosovo policies were more concerned with waging a political assault than in stopping the Serbs' military assault on Kosovo. But now that the Serbs have conceded defeat, one can only hope that those who were so harshly critical of the President might concede they were mistaken.

Our NATO allies also deserve great credit and much gratitude. They understood the long-term implications of failing to address the Yugoslav threat to Kosovo and to regional stability. They met the challenge head-on and showed that NATO remains the most formidable military alliance in the world.

And the front-line states—Albania, Macedonia, Bulgaria, and Romania—were forced to experience firsthand the consequences of Milosevic's ethnic cleansing. They, and the Republic of Montenegro, should be commended for accepting hundreds of thousands of refugees and enduring the instability caused by the actions of the Yugoslav government.

Of course, those truly on the front lines were our U.S. military forces who

contributed so skillfully to the success of the air campaign. They deserve our full support and our thanks for carrying out their mission so bravely, and for achieving our military goals with virtually no casualties.

It is now vitally important that the United States and our NATO allies remain vigilant to ensure that the Serbs live up to their agreement so that the Kosovars can return to their country and their homes, and rebuild their lives. They have a right to live in peace without fear of further atrocities.

The agreement reached yesterday is cause for great hope that we can achieve those goals, and I want to again commend the President, our troops, NATO, and those front line countries who gave so much for the success and the victory that we celebrate today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I commend the democratic leader on behalf of the entire country for the statement he has just made. Think for just a minute what has taken place: Thousands and thousands of individual sorties by 19 member nations. There are some, who were detractors, who referred to this as Clinton and GORE's war. No, it was not Clinton and GORE's war, but rather a war of those people of good will around the world, and certainly in this country, who detest evil, repudiate ethnic cleansing, and, in short, believe that atrocities by bullies like Slobodan Milosevic should be no more.

So, I am confident and hopeful this will send a message to those around the world who feel they can maim and kill and displace those people with whom they disagree for purposes only they understand—the color of their skin, their religion—a message that this will no longer happen.

So I, too, applaud the Commander in Chief. I especially applaud Secretary of Defense William Cohen for his leadership and commend all the American forces deployed in the Balkan region who have served and succeeded in the highest traditions of our country, and, finally, I wish to thank the families of the brave service men and women who participated in Operation Allied Force, who have borne the burden of being separated from their families for these many weeks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

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

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

UNANIMOUS CONSENT REQUEST—KOSOVO

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a Kosovo-related resolution; that the resolution and preamble be agreed to en bloc; and that the motion to reconsider be laid upon the table.

Mr. LOTT. Mr. President, I have to object at this time, not that I will object to it in the end. The Senate will go on record on this matter, but we just saw the language 15 minutes ago. I have already initiated a process to have it reviewed by the chairman of the Armed Services Committee, the chairman of the Foreign Relations Committee, the chairman of the Foreign Operations Appropriations Subcommittee, and other interested Senators, to make sure they are comfortable with the language, because it does go beyond just the resolution we see underway now concerning Kosovo and the withdrawal of the Serbian troops and, hopefully, the return of the Kosovars. It also goes into some language with regard to what should happen in Kosovo now and also language with regard to President Milosevic.

All I am saying is we want to review the language and make sure all interested Senators are aware of it. We will be glad to work with Senator REID, Senator DASCHLE, and others to have a statement by the Senate on this matter, as we usually do when there are events such as this.

I do want to go ahead and say for the record, as others have, that the Senate is, I am sure, and I personally am very pleased an agreement appears to have been worked out and appears to be going forward.

Earlier I was able to discuss this matter with the President. It does appear that the Serbian troops are beginning to be withdrawn and the bombing will be halted. This should lead to a process where the Kosovars can return to their homeland. That is good news.

I think we all should express our appreciation for the leadership that has occurred in this area, and also for the good and outstanding work done by our troops. That is the thrust of what is in this resolution. So I think we all should acknowledge that. I think there is a sigh of relief that it did not go on further, with great problems facing U.S. men and women in uniform who had to go in as ground troops, or as the weather turned bad. We are all very pleased that this appears to be working out.

As the President said to me when we talked earlier today—and I do not want to quote the President, because you do not do that, but the upshot of it was we still have a long way to go. And we do. But we all can hope and pray for the best.

So while I will reserve the right to object at this point, we will work with the leadership on both sides of the aisle and develop some language on which the Senate can act.

Mr. REID. Mr. President, we understand the objection of the majority leader. We wish we could have gotten the information in the form of this resolution to him sooner. But the war just ended, and the United Nations resolution just a matter of hours ago was passed.

We thought it was very appropriate prior to this weekend—we are going out of session now until Monday—that the President, the Secretary of Defense, and especially those military men and women who have been away from home for weeks—the bombing has taken 11 weeks—that we commend and applaud the work they have done.

The way to do that formally is through a resolution. As the leader has said, he agrees generally with the thrust of what we are trying to do. We will be happy to work with the Republican leadership to come up with a resolution that makes sure the fighting men and women of this country are commended, that the Secretary of Defense is commended, the Commander in Chief, and that also we acknowledge we set out to make sure the Serb forces got out of Kosovo—they are on their way out—that the ethnic Albanians are allowed to return—they are on their way back—and, of course, there be a peacekeeping force on the ground, which this body has already approved.

So with that, I will yield the floor, recognizing that this is a great day in the history of the United States, and it is a great day in the history of the other 18 nations in that we have been able to force evil to come to an end. We have won the war. It is very important that we now win the peace.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. One final comment on that. The record will show the Senate is working on an appropriate resolution. We will have one, I am sure, early next week.

Mr. REID. Mr. President, I ask unanimous consent that the Daschle-Reid resolution be printed in the RECORD.

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

S. CON. RES. —

Whereas United States and NATO Forces have achieved remarkable success in forcing Yugoslavia to accept NATO's conditions to halt the air campaign;

Whereas these historic accomplishments have been achieved at an astoundingly small loss of life and number of casualties among American and NATO forces;

Whereas to date two Americans have been killed in the line of duty;

Whereas hundreds of thousands of Kosovar civilians have been ethnically cleansed or killed by Serb security forces: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That:

(1) The Congress applauds and expresses the appreciation of the Nation to:

(A) President Clinton, Commander in Chief of all American Armed Forces, for his leadership during Operation Allied Force.

(B) Secretary of Defense William Cohen, Armed Forces Chief of Staff Hugh Shelton and Supreme Allied Commander—Europe Wesley Clark, for their planning and implementation of Operation Allied Force.

(C) All of the American forces deployed in the Balkan region, who have served and succeeded in the highest traditions of the Armed Forces of the United States.

(D) All of the forces from our NATO allies, who served with distinction and success.

(E) The families of American service men and women participating in Operation Allied Force, who have bravely borne the burden of separation from their loved ones, and staunchly supported them in this crisis.

(2) The Congress notes with deep sadness the loss of life on all sides in Operation Allied Force.

(3) The Congress demands from Slobodan Milosevic:

(A) The withdrawal of all Serb forces from Kosovo according to relevant provisions of the Military Technical Agreement between NATO and the Federal Republic of Yugoslavia.

(B) An end to the hostilities in Kosovo on the part of Serb forces.

(C) The unconditional return to their homes of all Kosovar citizens displaced by Serb aggression.

(4) The Congress urges the KLA to observe the ceasefire and demilitarize.

(5) The Congress urges all relevant authorities to seriously examine the issue of possible war crimes by Slobodan Milosevic and other Serb military leaders and forces.

GUIDANCE FOR THE DESIGNATION OF EMERGENCIES AS A PART OF THE BUDGET PROCESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now turn to calendar No. 89, S. 557, the budget process bill to which the lockbox issue has been offered as an amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 557) to provide guidance for the designation of emergencies as a part of the budget process.

The Senate resumed consideration of the bill.

CLOTURE MOTION

Mr. LOTT. I send a cloture motion to the desk to the pending amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 297 to Calendar No. 89, S. 557, a bill to provide guidance for the designation of emergencies as a part of the budget process:

Trent Lott, Pete Domenici, Rod Grams, Mike Crapo, Bill Frist, Michael B. Enzi, Ben Nighthorse Campbell, Judd Gregg, Strom Thurmond, Chuck Hagel, Thad Cochran, Rick Santorum, Paul Coverdell, Jim Inhofe, Bob Smith of New Hampshire, and Wayne Allard.

Mr. LOTT. Mr. President, for the information of all Senators, this cloture vote will occur then on Tuesday under rule XXII.

CALL OF THE ROLL

I now ask unanimous consent that the vote occur immediately following the passage vote on the Y2K bill Tuesday, with the mandatory quorum under rule XXII being waived.

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

STEEL, OIL AND GAS LOAN GUARANTEE PROGRAM—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. I now move to proceed to H.R. 1664 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 121, H.R. 1664, the steel, oil and gas loan guarantee program legislation:

Trent Lott, Pete Domenici, Rick Santorum, Mike DeWine, Ted Stevens, Kent Conrad, Joe Lieberman, Robert C. Byrd, Byron L. Dorgan, Jay Rockefeller, Tom Daschle, Harry Reid, Paul Wellstone, Tom Harkin, Fritz Hollings, Robert J. Kerrey, and Tim Johnson.

Mr. LOTT. For the information of all Senators, this cloture vote will also occur on Tuesday.

CALL OF THE ROLL

I ask unanimous consent that the cloture vote occur immediately following the cloture vote on the lockbox issue, if not invoked, on Tuesday. In addition, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

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

Mr. LOTT. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

NATIONAL YOUTH FITNESS WEEK

Mr. LOTT. I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 34, which was reported by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 34) designating the week beginning April 30, 1999, as ''National Youth Fitness Week.''

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

Mr. LOTT. I ask unanimous consent that the committee amendment be agreed to, the resolution, as amended, be agreed to, the preamble be agreed to, the title, as amended, be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed at the appropriate place in the RECORD.

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

The committee amendment was agreed to.

The resolution (S. Res. 34), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

S. RES. 34

Whereas the Nation is witnessing a historic decrease in the health of the youth in the United States, with only 22 percent of the youth being physically active for the recommended 30 minutes each day and nearly 15 percent of the youth being almost completely inactive each day;

Whereas physical education classes are on the decline, with 75 percent of students in the United States not attending daily physical education classes and 25 percent of students not participating in any form of physical education in schools, which is a decrease in participation of almost 20 percent in 4 years;

Whereas more than 60,000,000 people, ⅓ of the population of the United States, are overweight;

Whereas the percentage of overweight youth in the United States has doubled in the last 30 years;

Whereas these serious trends have resulted in a decrease in the self-esteem of, and an increase in the risk of future health problems for, youth in the United States;

Whereas youth in the United States represent the future of the Nation and the decrease in physical fitness of the youth may destroy the future potential of the United States unless the Nation invests in the youth in the United States to increase productivity and stability for tomorrow;

Whereas regular physical activity has been proven to be effective in fighting depression, anxiety, premature death, diabetes, heart disease, high blood pressure, colon cancer, and a variety of weight problems;

Whereas physical fitness campaigns help encourage consideration of the mental and physical health of the youth in the United States; and

Whereas Congress should take steps to reverse a trend which, if not resolved, could destroy future opportunities for millions of today's youth because a healthy child makes a healthy, happy, and productive adult: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning June 21, 1999, as ''National Youth Fitness Week'';

(2) urges parents, families, caregivers, and teachers to encourage and help youth in the United States to participate in athletic activities and to teach adolescents to engage in healthy lifestyles; and

(3) requests the President to issue a proclamation calling on the people of the United

States to observe the week with appropriate ceremonies and activities.

The title was amended so as to read: ''A resolution designating the week beginning June 21, 1999, as 'National Youth Fitness Week'.''

THE YEAR OF SAFE DRINKING WATER

Mr. LOTT. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 81, which was reported by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

A resolution (S. Res. 81) designating the year of 1999 as ''The Year of Safe Drinking Water'' and commemorating the 25th anniversary of the enactment of the Safe Drinking Water Act.

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

Mr. LOTT. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed at the appropriate place in the RECORD.

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

The resolution (S. Res. 81) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 81

Whereas clean and safe drinking water is essential to every American;

Whereas the health, comfort, and standard of living of all people in this Nation depends upon a sufficient supply of safe drinking water;

Whereas behind every drop of clean water are the combined efforts of thousands of water plant operators, engineers, scientists, public and environmental advocacy groups, legislators, and regulatory officials;

Whereas public health protection took an historic leap when society began treating water to remove disease-causing organisms;

Whereas over 180,000 individual water systems in the United States serve over 250,000,000 Americans;

Whereas the Safe Drinking Water Act is one of the most significant legislative landmarks in 20th century public health protection;

Whereas the enactment of the Safe Drinking Water Act on December 16, 1974, enabled the United States to take great strides toward the protection of public health by treating and monitoring drinking water, protecting sources of drinking water, and providing consumers with more information regarding their drinking water;

Whereas Americans rightfully expect to drink the best water possible, and expect advances in the public health sciences, water treatment methods, and the identification of potential contaminants; and

Whereas the continued high quality of drinking water in this country depends upon advancing drinking water research, vigilantly monitoring current operations, increasing citizen understanding, investing in infrastructure, and protecting sources of drinking water: Now, therefore, be it

Resolved, That the Senate—

(1) designates the year of 1999 as ''The Year of Safe Drinking Water'';

(2) commemorates the 25th anniversary of the enactment of the Safe Drinking Water Act; and

(3) requests that the President issue a proclamation calling upon the people of the United States to observe the year with appropriate programs that enhance public awareness of—

(A) drinking water issues;

(B) the advancements made by the United States in the quality of drinking water during the past 25 years; and

(C) the challenges that lie ahead in further protecting public health.

NATIONAL PEDIATRIC AIDS AWARENESS DAY

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 114, which was also reported by the Judiciary Committee.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 114) designating June 22, 1999, as ''National Pediatric AIDS Awareness Day.''

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

Mr. LOTT. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this resolution be printed at the appropriate place in the RECORD.

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

The resolution (S. Res. 114) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 114

Whereas acquired immune deficiency syndrome (referred to in this resolution as ''AIDS'') is the 7th leading cause of death for children in the United States;

Whereas approximately 15,000 children in the United States are currently infected with human immunodeficiency virus (referred to in this resolution as ''HIV''), the virus that causes AIDS;

Whereas the number of children who have died from AIDS worldwide since the AIDS epidemic began has reached 2,700,000;

Whereas it is estimated that an additional 40,000,000 children will die from AIDS by the year 2020;

Whereas perinatal transmission of HIV from mother to child accounts for 91 percent of pediatric HIV cases;

Whereas studies have demonstrated that the maternal transmission of HIV to an infant decreased from 30 percent to less than 8 percent after therapeutic intervention was employed;

Whereas effective drug treatments have decreased the percentage of deaths from AIDS in the United States by 47 percent in both 1998 and 1999;

Whereas the number of children of color infected with HIV is disproportionate to the national statistics with respect to all children;

Whereas The Elizabeth Glaser Pediatric AIDS Foundation has been devoted over the past decade to the education, research, prevention, and elimination of acquired immune deficiency syndrome (AIDS); and

Whereas the people of the United States should resolve to do everything possible to control and eliminate this epidemic that threatens our future generations: Now, therefore, be it

Resolved, That the Senate—

(1) in recognition of all of the individuals who have devoted their time and energy toward combatting the spread and costly effects of acquired immune deficiency syndrome (AIDS) epidemic, designates June 22, 1999, as ''National Pediatric AIDS Awareness Day''; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

PRESENTATION OF GOLD MEDAL TO ROSA PARKS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 127, which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

A concurrent resolution (H. Con. Res. 127) permitting the use of the Rotunda of the Capitol for a ceremony to present a gold medal on behalf of Congress to Rosa Parks.

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

Mr. LOTT. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed at the appropriate place in the RECORD.

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

The concurrent resolution (H. Con. Res. 127) was agreed to.

MEASURE PLACED ON THE CALENDAR—H.R. 1259

Mr. LOTT. Mr. President, I ask unanimous consent that H.R. 1259 be placed on the calendar.

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

COMMENDING THE PAGES

Mr. LOTT. Mr. President, today is the last day of work of the present group of pages—the ''youngest Government employees.'' I commend all of the pages and wish them good luck in their future endeavors. I know all Members would want to personally thank them for their hard work. Many days they have worked late into the night, and the next morning they would get up

early to go to school. It is not an easy job being a Senate page. Their work here is very important, as we move through our legislative process and quite often move a lot of paper around. They help us an awful lot.

I have particularly enjoyed watching this group and seeing them at the door and seeing them in the halls and seeing them led by Senator THURMOND into the dining room for ice cream for one and all.

I therefore ask consent that the names of this class of Senate pages be printed in the RECORD with our heartiest appreciation.

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

SENATE PAGES

REPUBLICAN PAGES

Jennifer Duomato.
Micah Ceremele.
Rick Carrol.
Cathy Cone.
Courtney Mims.
Marian Thorpe.
Jessica Lipschultz.
Derrek Allsup.
Mark Nexon.
Clay Crockett.

DEMOCRAT PAGES

Stephanie Valencia.
Patrick Hallahan.
Danielle Driscoll.
Halicia Burns.
Bud Vana.
Stephanie Stahl.
Mark Hadley.
Devin Barta.
Brendan McCann.
Jennifer Machacek.
Chandra Obie.

Mr. REID. Will the leader yield?

Mr. LOTT. I am glad to yield.

Mr. REID. I also say to the pages that there has been an example set in years past that pages become Members of the Senate, not the least of which is our own Senator CHRIS DODD. If you think the example we have set for you is one you would want to follow later in life, you should know you have a very good foundation by being a page.

ORDERS FOR MONDAY, JUNE 14, 1999

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 noon on Monday, June 14. I further ask unanimous consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 1 p.m. with Senators permitted to speak for up to 10 minutes each.

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

Mr. LOTT. I further ask consent that at 1 p.m. the Senate begin consideration of the energy and water appropriations bill.

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

PROGRAM

Mr. LOTT. For the information of all Senators, tomorrow the Senate will not be in session. On Monday, the Senate will consider the energy and water appropriations bill, as was just agreed to, with the first rollcall vote expected to occur at approximately 5:30 on Monday. We will need to work with all Senators to make sure Senators can be present for that vote but, as is usually the case, unless notified otherwise, there will be votes on Monday at approximately 5:30 or sometime shortly thereafter.

It is my hope the energy and water appropriations bill can be completed during Monday's session of the Senate. Two cloture motions were filed with respect to the Social Security lockbox issue and the oil, gas, and steel appropriations revolving fund bill.

Also, under previous consent, the Y2K bill will be completed on Tuesday. Therefore, a series of votes will occur beginning at 2:15 on Tuesday, June 15.

ADJOURNMENT UNTIL MONDAY, JUNE 14, 1999

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Monday, June 14, 1999, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 10, 1999:

CONSUMER PRODUCT SAFETY COMMISSION

ANN BROWN, OF FLORIDA, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR A TERM OF SEVEN YEARS FROM OCTOBER 27, 1999. (REAPPOINTMENT)

ANN BROWN, OF FLORIDA, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION. (REAPPOINTMENT)

DEPARTMENT OF STATE

JAMES CATHERWOOD HORMEL, OF CALIFORNIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LUXEMBOURG, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF JUSTICE

DAVID W. OGDEN, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE FRANK HUNGER, RESIGNED.

EXECUTIVE NOMINATION RECEIVED BY THE SENATE MAY 26, 1999:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

*RAAN R. AALGAARD, 0497
CARLENA A. ABALOS, 2381
JOSEPH D. ABEL, 3049
JOSEPH A. ABRIGO, 6661
PATRICK K. ADAMS, 2293
BRIAN T. ADKINS, 5318
ROY ALAN C. AGUSTIN, 0466
DONALD W. AILSWORTH, 0972
KRISTOPHER J. ALDEN, 2351
*STEPHEN J. ALEXANDER, 4337
MICHAEL D. ALFORD, 0900
ALEE R. ALI, 1437
CHARLES T. ALLEN, 0852
KEVIN S. ALLEN, 2383
MARK P. ALLEN, 4991
*SCOT T. ALLEN, 5621
MICHAEL W. ALLIN, 6342
STEVEN G. ALLRED, 0860
DOUGLAS E. ALMGREN, 7357
JAMES W. ALSTON, 3876
JOHN S. ALTO, 0468
DENIO A. ALVARADO, 1386
IGNACIO G. ALVAREZ, 7023
MATTHEW G. ANDERER, 3730
ARTHUR W. ANDERSON, 5795
*BARBARA A. ANDERSON, 7096
BERNADETTE A. ANDERSON, 9188
BETTY L. ANDERSON, 5854
CALVIN N. ANDERSON, 9392
CHRISTOPHER M. ANDERSON, 8154
DANIEL L. ANDERSON, 6454
EUGENE S. ANDERSON, 5479
JOHN R. ANDERSON, 6623
JON M. ANDERSON, 9217
MARK RICHARD ANDERSON, 8466
MICHAEL A. ANDERSON, 9915
RICHARD N. ANDERSON, 5018
EDWARD C. ANDREJCZYK, 0491
HAROLD G. ANDREWS, II, 8043
PETER J. ANDREWS, 8424
BENJAMIN C. ANGUS, 4748
ANTHONY R. ARCIERO, 3152
NINA M. ARMAGNO, 3926
TIMOTHY L. ARMEL, 7372
*JOHN E. ARMOUR, 7935
MARK J. ARMSTRONG, 3073
JOHN T. ARNOLD, 4151
*MARTHA ARREDONDO, 6551
DAVID R. ARRIETA, 2817
AMY V. ARWOOD, 6177
MYRON H. ASATO, 1697
CHRISTOPHER D. ASHABRANNER, 4578
TROY A. ASHER, 1720
*IRENE L. ASHKER, 7374
JAMES M. ASHLEY, 5151
*RANDALL M. ASHMORE, 2297
GARY A. ASHWORTH, 8566
DONALD A. ASPDEN, 5702
HANS R. AUGUSTUS, 4460
*DAVID A. AUPPERLE, 7990
STEVEN A. AUSTIN, 2408
CASSANDRA D. AUTRY, 5416
M. SHANNON AVERILL, 6927
CHRISTOPHE L. AVILA, 2740
*JOSEPH L. BACA, 9091
THOMAS A. BACON, 0604
DAVID P. BACZEWSKI, 3803
JOSEPH V. BADALIS, 5480
BRYAN J. BAGLEY, 4106
FREDERICK L. BAIER, 6363
SHARON F. BAILEY, 6527
WILLIAM D. BAILEY, 8673
LINDA L. BAILEYMARSHALL, 5784
JEFFREY A. BAIR, 6070
JAMES C. BAIRD, 9517
MELVIN A. BAIRD, 0016
ERIC W. BAKER, 9043
RUSTY O. BALDWIN, 1233
SUSAN F. BALL, 6917
CHRISTOPHER BALLARD, 2791
MERRILL D. BALLENGER, 0888
JOHN M. BALZANO, 6527
JOHN D. BANSEMER, 0341
NORMAN W. BARBER, 9345
SALVADOR E. BARBOSA, 5193
*JIMMY LEE BARDIN, 5820
TONY L. BARKER, 1033
ROBERT J. BARKLEY, 3267
PHILLIP B. BARKS, 6829
WILLIAM A. BARKSDALE, 6307
CASSIE B. BARLOW, 9615
WARREN P. BARLOW, 1437
JAMES A. BARNES, 0869
KYLER A. BARNES, 3708
*BARTON V. BARNHART, 7530
ANTHONY J. BARRELL, 7694
ANNE H. BARRETT, 5596
SAM C. BARRETT, 4813
DOUGLAS W. BARRON, 9500
FRANCESCA BARTHOLOMEW, 2593
JOHN S. BARTO, 4838
MARCUS P. BASS, 3574
DALE L. BASTIN, 8658
MARK J. BATES, 0975
DAVID W. BATH, 8108
*CHRISTOPHER R. BAUTZ, 0896
BRENT R. BAXTER, 8037
DAVID B. BAYSINGER, 0143
MATTHEW D. BEALS, 7488
CHARLES L. BEAMES, 3913
*ADAM G. BEARDEN, 4367
KEITH L. BEARDEN, 9072
ANDREW C. BEAUDOIN, 7412
BRIAN A. BEAVERS, 9837
SCOTT M. BEDROSIAN, 0805
JEANNINE A. BEER, 7814
MICHAEL A. BEHLING, 3280
MARY A. BEHNE, 9265
ROBERT H. BEHRENS, 6675
*STEVEN G. BEHRENS, 5437
SCOTT W. BEIDLEMAN, 6854
BRIAN A. BEITLER, 8039
LEWONNIE E. BELCHER, 1265
*BRADLEY L. BELL, 5012
DOVER M. BELL, 9525
JOHN L. BELL, JR., 5477
GREGORY J. BELOYNE, 3246
MARIALOURDES BENCOMO, 4771
CHRISTIAN P. BENEDICT, 7074
WARREN L. BENJAMIN, 4879
KEVIN S. BENNETT, 3355
WILLIAM T. BENNETT, 2423
STEPHEN R. BENNING, 1670
*MICHAEL P. BENSCHE, 8369
CHRISTOPHER J. BEODDY, 4965
DIANA BERG, 1430
WILLIAM S. BERGMAN, 5598
KEVIN L. BERKOMPAS, 9301
*NATHAN M. BERMAN, 6448
*PETER H. BERNSTEIN, 0176
ALAN R. BERRY, 2520
KENNETH B. BERRY, 9908
MARIE L. BERRY, 0353
JAMES A. BESSEL, 5985
BELLA T. BIAG, 0446
ROBERT W. BICKEL, 6406
*PAUL J. BIELEFELDT, 6443
KURT J. BIENIAS, 7855
VAL J. BIGGER, 2457
STEVEN A. BILLS, 6119
TRENT D. BINGER, 3369
PETER D. BIRD, 0333
MICHAEL O. BIRKELAND, 2112
KURT D. BIRMINGHAM, 2623
LEOLYN A. BISCHEL, 4579
*DAMON D. BISHOP, 6299
DARREN L. BISHOP, 7580
STEPHEN H. BISSONNETTE, 6116
*CHRISTOPHER S. BJORKMAN, 1132
*ROBERT S. BLACK, 1745
MILTON L. BLACKMON, JR., 7295
DAVID T. BLACKWELL, 3829
KRISTINE E. BLACKWELL, 7287
RICK A. BLAISDELL, 1954
JEFFREY E. BLALOCK, 2409
THOMAS S. BLALOCK, JR., 7228
JOHN E. BLEUEL, 9035
RAYMOND H. BLEWITT, 1607
SONNY P. BLINKINSOP, 1432
RICHARD D. BLOCKER III, 1362
FRANZ E. BLOMGREN, 9748
ADAM J. BLOOD, 2416
MARK E. BOARD, 5498
DAVID W. BOBB, 4361
JUSTIN L. BOBB, 9391
GREGORY D. BOBEL, 0244
KEVIN J. BOHAN, 4525
BARBARA D. BOHMAN, 9998
MATTHEW J. BOHN, 7168
LORENZO L. BOLDEN, JR., 8831
JOANNE BOLLHOFER, 3059
JENNIFER A. BOLLINGER, 7369
CRAIG L. BOMBERG, 2040
LISA D. BOMBERG, 8920
GREGORY L. BONAFEDE, 6307
JEFFREY P. BONS, 9830
*GERALD A. BOONE, 5157
*ROBERT K. BOONE, 4931
SCOTT C. BORCHERS, 1614
*JANET A. BORDEN, 8146
PHILLIP M. BOROFF, 9032
*ANDREW J. BOSSARD, 4757
DAROLD S. BOSWELL, 4958
MARY NOEHL BOUCHER, 3039

FRITZIC P. BOUDREAUX, JR., 2873
*JAMES D. BOUDREAUX, 4487
THOMAS A. BOULEY, 0235
DUANE K. BOWEN, 2717
ROBERT D. BOWER, 3691
MICHELLE M. BOWES, 1313
CLIFFORD M. BOWMAN, 9667
TERRY L. BOWMAN, 2711
GORDON F. BOYD II, 5413
JOHN A. BOYD, 5661
MARCUS A. BOYD, 7961
TUCK E. BOYSON, 8037
TAURUS L. BRACKETT, 8975
HAROLD W. BRACKINS, 7564
JAMIE S. BRADY, 6508
MICHAEL H. BRADY, 7205
JAMES I. BRANSON, 5073
*HARRY BRAUNER, 2114
JAMES R. BRAY, 4071
JEFFREY R. BREAM, 3148
JOHN M. BREAZEALE, 9485
GARY R. BREIG, 4129
KELLY J. BREITBACH, 2561
DAVID A. BRESCIA, 0756
COY J. BRIANT, 6380
DAVID P. BRIAR, 6102
ANTHONY S. BRIDGEMAN, 2367
WILLIAM S. BRINLEY, 1502
*TIMOTHY B. BRITT, 7231
PAUL D. BRITTON, 4544
DERRELL R. BROCKWELL, 8364
LINDA S. BROECKL, 4889
*DAVID G. BROSIUS, 4634
DARRELL P. BROWN, 3498
HAROLD D. BROWN, JR., 6508
KEVIN D. BROWN, 8110
MANNING C. BROWN, 7974
SCOTT L. BROWN, 2597
SCOTT T. BROWN, 3034
BRUCE F. BROWNE, 6171
KEVIN G. BROWNE, 8633
HERALDO B. BRUAL, 1102
PATRICIA S. BRUBAKER, 5246
LARRY A. BRUCE, JR., 8821
STEVEN E. BRUKWICKI, 4086
JANET D. BRUMLEY, 8079
MICHAEL H. BRUMMETT, 1878
ERIC J. BRUMSKILL, 7198
ARCHIBALD E. BRUNS, 6030
EFFSON CHESTER BRYANT, 7455
JAMES E. BUCHMAN, 9379
GERALD A. BUCKMAN, 6611
JOHN T. BUDD, 5745
GEORGE B. BUDZ, 6402
ANTHONY W. BUENGER, 9051
STEVEN C. BUETOW, 3850
JOHN J. BULA, 0537
MARIAN R. BUNDY, 7679
MICHAEL P. BUONAUGURIO, 5582
*VINCENT M. BUQUICCHIO, 4380
RODNEY J. BURCH, 9311
RONALD A. BURGESS, 3213
DOUGLAS A. BURKETT, 4783
ROBERT R. BURNHAM, 8705
ANN M. BURNS, 4068
KEVIN E. BURNS, 1295
TIMOTHY A. BURNS, 4762
PHLECIA R. BURSEY, 8991
JAMES B. BURTON, 5357
MICHAEL D. BUSCH, 2507
TIMOTHY E. BUSH, 6384
DEAN E. BUSHEY, 2309
*CARLOS E. BUSHMAN, 0587
JEFFREY T. BUTLER, 2466
RANDALL L. BUTLER, 6338
ANTHONY C. BUTTS, 3106
CARL A. BUTTS, 4061
*JOHN J. CABALA, 3110
DAN D. CABLE, 4589
HENRY T. G. CAFFERY, 2326
DANIEL B. CAIN, 2437
SHAWN D. CALDWELL, 8106
ELWIN B. CALLAHAN, 4335
SEAN P. CALLAHAN, 7181
RONALD CALVERT, 3457
MARLON G. CAMACHO, 4184
SCOTT C. CAMERON, 9234
CAROLYN D. CAMPBELL, 1873
DENNIS T. CAMPBELL, 2560
GORDON H. CAMPBELL, JR., 7759
MICHAEL F. CANAVAN, 2086
JR C. CANDELARIO, 0833
*BEVERLY J. CANFIELD, 7147
CHRISTOPHER G. CANTU, 1991
DANIEL D. CAPPABIANCA, 9819
DANIEL F. CAPUTO, 7063
ALEXANDER C. CARDENAS, 1481
JAMES L. CARDOSO, 7195
BARAK J. CARLSON, 9901
KENNETH A. CARPENTER, 7133
KEVIN P. CARR, 5334
THOMAS J. CARROLL III, 4459
*LISA C. CARSWELL, 2829
MICHAEL C. CARTER, 3057
WILLIAM T. CARTER, 2524
STEVEN M. CASE, 7599
*JAMES W. CASEY, 8491
LINA M. CASHIN, 6133
MANUEL F. CASIPIT, 9453
BRIAN G. CASLETON, 2036
HENRI F. CASTELAIN, 8931
ELMA M. CASTOR, 8572
MARTHA E. CATALANO, 5916
WADE K. CAUSEY, 1854
BRUCE C. CESSNA, 4527
JAMES L. CHAMBERLAIN, 0057
CHARLES E. CHAMBERS, 8476
CHARLES R. CHAMBERS, 4979
SHERI L. CHAMBLISS, 7018
ROBERT D. CHAMPION, 6178
SANDRA M. CHANDLER, 2689
CRAIG C. CHANG, 9321
ALICE S. CHAPMAN, 7556
JOHN W. CHAPMAN, 1723
JOHNNY R. CHAPPELL, 6626
THOMAS M. CHAPPELL, 9191
MARK C. CHARLTON, 9746
XAVIER D. CHAVEZ, 7983
CHRISTOPHER D. CHELALES, 2008
JOHN A. CHERREY, 9090
ROBERT T. CHILDRESS, 2013
SCOTT D. CHOWNING, 3209
LILLY B. CHRISMAN, 8476
*DON M. CHRISTENSEN, 2205
TERRENCE J. CHRISTIE, 2989
ROBYN A. CHUMLEY, 8568
*KAREN L. CHURCH, 4065
PATRICIA M. CIFELLI, 5523
ANTHONY J. CIRINCIONE, 6419
MICHAEL S. CLAFFEY, 7658
BERYL M. CLAREY, 6796
*BRIAN D. CLARK, 5550
KELLY B. CLARK, 2227
ROBERT J. CLASEN, 5982
JOHN L. CLAY, 0478
WILLIAM T. CLAYPOOLE, 9464
MICHELLE M. CLAYS, 8519
JEFFREY C. CLAYTON, 2916
JEFFERSON W. CLEGHORN, 6847
LISA M. CLEVERINGA, 3419
JEFFREY E. CLIFTON, 9123
LUKE E. CLOSSON III, 0495
JONATHAN C. CLOUGH, 5379
CAROL A. CLUFF, 2372
THOMAS C. CLUTZ, 3915
RICHARD G. COBB, 6854
ALFORD C. COCKFIELD, 8188
DWIGHT F. COCKRELL, 8232
KAREN F. COFER, 1920
JAMES A. COFFEY, 8430
DAVID COHEN, 2959
MARK A. COLBERT, 4610
STEVEN D. COLBY, 2920
THOMAS D. COLBY, 5217
PHILBERT A. COLE, JR., 5778
JON M. COLEMAN, 0571
JAMES W. COLEY, 2362
THOMAS W. COLLETT, 1188
JAMES C. COLLINS, 9250
JON C. COLLINS, 2517
RANDY L. COLLINS, 4375
*NATHAN J. COLODNEY, 8566
KIMBERLY G. COLTMAN, 8113
EDWARD S. CONANT, 7071
SHANE M. CONNARY, 0061
JOHN T. CONNELLY, JR., 0714
SEBASTIAN M. CONVERTINO, 9143
DOUGLAS G. COOK, 9455
JEFFREY J. COOK, 5565
MICHELE M. COOK, 6847
WILLIAM T. COOLEY, 6085
DENNIS E. COOPER, 7597
STEPHEN D. COOPER, 8424
BRIAN C. COPELLO, 2372
JAN L. COPHER, 5347
BARBARA M. COPPEDGE, 3297
DAVID S. CORKEN, 0173
CHARLES R. CORNELISSE, 9685
KYLE M. CORNELL, 5897
*JOHN J. CORNICELLI, 3909
NICHOLAS COSENTINO, 1924
DONDI E. COSTIN, 7032
JEFFREY R. COTTON, 7976
JAMES A. COTTURONE, JR., 3779
BRYAN R. COX, 7360
JEFFREY A. COX, 9459
KEITH A. COX, 1785
MARK A. COX, 4765
GREGORY P. COYKENDALL, 3814
BEVERLY J. COYNER, 7074
STEPHEN P. CRAIG, 8662
CHRIS D. CRAWFORD, 4674
ROSE M. CRAYNE, 0846
ROGER W. CREEDON, 1067
JEFFERY J. CRESSE, 5781
ROBERT A. CREWS, 4786
JOHN T. CRIST, 7172
STEPHEN P. CRITTELL, 7925
*TIMOTHY D. CROFT, 5626
MYRNA E. CRONIN, 4719
WILLIAM J. CRONIN IV, 8524
BRENDA L. CROOK, 4203
*MICHAEL B. CROSLEN, 0823
ANDREW R. CROUSE, 6788
STANLEY D. CROW, JR., 0895
JAMES A. CRUTCHFIELD, 7614
NEAL J. CULINER, 3907
CURTIS N. CULVER, 4047
JAMES P. CUMMINGS, 7325
BRIAN W. CUNNING, 9974
BARBARA C. CUPIT, 4179
DARRIN L. CURTIS, 7298
DEAN A. CUSANEK, 7947
DAVID J. CUSTODIO, 9305
GLENN T. CZYZNIK, 0336
*JONATHAN S. DAGLE, 7414
SCOTT V. DAHL, 1869
STEPHEN C. DALEY, 9788
KENT B. DALTON, 2327
STEVEN J. DALTON, 3670
CHARLES J. DALY, 6905
LEONARD J. DAMICO, 4507
JAMIE A. DAMSKER, 0442
JOHN B. DANIEL, 9889
ERIC D. DANNA, 7574
LARRY J. DANNELLEY, JR., 7234
JEFFREY C. DARIUS, 2028
LARRY G. DAVENPORT, 4257
PAUL D. DAVENPORT, 8326
*AARON A. DAVID, 2216
MELVIN G. DEAILE, 4818
DWIGHT E. DEAN, 8428
MICHAEL E. DEARBORN, 7508
MICHAEL A. DEBROECK, 4573
JAMES J. DECARLIS III, 7465
KIMBERLY JO DECKER, 4246
TIMOTHY B. DECKER, 0856
ALEXANDER I. DEFAZIO, 0138
PHILIP S. DEFENBACH, 4915
DREXEL G. DEFORD, JR., 5433
MITCHELL T. DEGEYTER, 4255
ROD A. DEITRICK, 5936
ELAINE M. DEKKER, 6685
PENA EDUARDO C. DELA, JR., 6196
MARY M. DELGADO, 7879
JAY B. DELONG, JR., 8416
MICHAEL T. DELUCIA, 2101
JOSEPH W. DEMARCO, 7427
JOHN T. DEMBOSKI, 1537
GERALD M. DEMPSEY, 0486
DAVID R. DENHARD, 6156
KEVIN R. DENNINGER, 7855
MICHAEL R. DENNIS, 7421
ANTHONY J. DENNISON III, 1874
TIMOTHY J. DENNISON, 5083
JANE G. DENTON, 9896
EUGENE F. DEPAOLO, 4031
IAN J. DEPLEDGE, 5437
DAVID G. DERAY, 7295
JOSEPH L. DERDZINSKI, 3110
JAY B. DESJARDINS, JR., 3230
FRANCES A. DEUTCH, 2861
NATHAN P. DEVILBISS, 4736
MARK D. DEVOE, 7252
GRANT C. DICK, 2684
*SANDRA M. DICKENSON, 5035
MATTHEW J. DICKERSON, SR., 0427
JOHN R. DIDONNA, 3067
JAMES H. DIENST, 8215
TODD A. DIERLAM, 3555
PAMELA D. DIFFEE, 0541
MICHAEL L. DILDA, 1627
JOSEPH A. DILLINGER, 2123
ELLIS D. DINSMORE, 4198
STEPHEN J. DION, 8242
DONALD G. DIPENTA, 0357
DOUGLAS S. DIXON, 8776
PHILLIP N. DIXON, 0758
CHRISTOPHER P. DOBB, 3218
DEAN E. DOERING, 6562
MARY A. DOLAN, 7411
NEAL E. DOLLAR, 3423
BRIAN P. DONAHOO, 8403
ANDREW H. DONALDSON, 9985
*ROBIN ANNE DONATO, 2955
LAUREEN M. DONOVAN, 7089
WILLIAM R. DONOVAN II, 6255
STEFAN B. DOSEDEL, 0638
GARTH D. DOTY, 9802
PAUL D. DOTZLER, 7344
STEVEN I. DOUB, 5354
RONALD J. DOUGHERTY, 3783
BARRY D. DOVIN, 2966
JOHN J. DOYLE, 1997
*JOSEPH R. DOYLE, 3311
TAMMY J. DOYLE, 0545
THOMAS P. DOYLE, 6808
THURMAN L. DRAKE, JR., 7725
TIMOTHY J. DRANTTEL, 5509
SUSAN C. DRENNON, 1102
ROBERT S. DROZD, 1956
JONATHAN T. DRUMMOND, 7042
*KEITH J. DUFFY, 1600
LAURA L. DUGAS, 8801
LEA A. DUNCAN, 2572
DAWN M. DUNLOP, 7307
CARRIE L. DUNNE, 4532
PATRICK B. DUNNELLS, 2957
RONDA L. DUPUIS, 0331
KENT A. DUSEK, 1970
BRIAN T. DWYER, 9560
*JOHNNY F. DYMOND, 6506
ROBERT L.P. EADES, 4102
THOMAS A. EADS, 0547
ROBERT M. EATMAN, 8402
STEVEN P. EBY, 3127
JAMES R. ECHOLS, 5382
KEVIN L. EDENBOROUGH, 0171
KIRK W. EDENS, 6400
CHRISTOPHER R. EDLING, 4555
*ALAN M. EDMIASTON, 7022
BOBBY G. EDWARDS, JR., 7093
CHERYL L. EDWARDS, 0274
JAMES W. EDWARDS, 6188
RICHARD F. EDWARDS, 2766
ROBERT R. EDWARDS, JR., 2523
SCOTT D. EDWARDS, 3387
BRIAN L. EGGER, 3850
PATRICIA D. EGLESTON, 7300
LAWRENCE A. EICHHORN, 5716
CRAIG S. EICKHOFF, 2405
KENNETH A. EIKEN, 4798
RONALD S. EINHORN, 9169
THOMAS D. EISENHAUER, 4588
GERARD H. EISERT, 7574
ELAINE S. ELDRIDGE, 1413
GEORGE G. ELEFTERIOU, 0942
*DONALD RICHARD ELLER, JR., 5429
WENDY CARLEEN ELLIOTT, 8450
BARNEY G. ELLIS, 9480
PATRICK M. ELLIS, 0758
PATRICK W. ELLIS, 3821
GREGORY C. ELLISON, 9638
PATRICK H. ENCINAS, 6198
GREGORY S. ENGLE, 8999
ADAM C. ENGLEMAN, 1314
MARK E. ENNIS, 2418
LARRY T. EPPLER, 1984
REY R. ERMITANO, 6673
KENNETH G. ERNEWEIN, 1256
BRIAN E. ERNISSE, 3124
ALEXANDER A. EROLIN, 8733
RICHARD ESCOBEDO, 1518
STEVEN A. ESTOCK, 9254
*MARK D. EVANS, 9418
SONGI R. EVANS, 3496
WILBURN EVANS III, 3847
BRIAN D. EWERT, 3934
ROBERT A. FABIAN, 8621
DAVID T. FAHRENKRUG, 8785
JAMES D. FAIN, 0057
HENRY J. FAIRTLOUGH, 2275
KELLY S. FARNUM, 9791
MICHAEL G. FARRELL, 2451
CHERYL R. FARRER, 9772
KURTIS W. FAUBION, 0753
JEFFREY N. FAWCETT, 9947
JAMES L. FEDERWISCH, 4290
*SUSAN M. FEDRO, 2701
*CATHERINE L. FEIL, 5185
BRADLEY K. FELIX, 9252
LAURA FELTMAN, 2670
DONALD S. FELTON, 3623
TIMOTHY J. FENNELL, 3887
*THOMAS A. FERRARI, 7135
CHRISTOPHER R. FERREZ, 1495
WILLIAM A. FERRO, 1840
MICHAEL S. FIELDS, 1783
WILLIE L. FIELDS III, 1887
SCOTT T. FIKE, 8843
RICHARD E. FILER, 8558
PAUL K. FINDLEY, 7669
DONALD N. FINLEY, 8829
*KIMBERLY FINNEY, 1470
MICHAEL J. FINNEY, 3402
STEVEN T. FIORINO, 3835
CYNTHIA L.H. FISHER, 3361
JASON FISHER, 7516
JAY R. FISHER, 7473
TIMOTHY L. FITZGERALD, 5850
DAVID M. FITZPATRICK, 8337
JOHN D. FITZSIMMONS, JR., 6719
MICHAEL F. FLECK, 6997
KEVIN S. FLEMING, 6966
WILLIAM J. FLEMING, 2479
LEE A. FLINT III, 5884
*JAMES K. FLOYD, 7952
SCOTT G. FLOYD, 4339
THOMAS J. FLYNN, JR., 9313
RICHARD L. FOFI, 2328
PATRICK F. FOGARTY, 4923
JETH A. FOGG, 9455
DARLENE L. FOLEY, 6052
JOHN T. FOLMAR, 1736
*ARNALDO FONSECA, 1584
*DAVID J. FORBES, 7635
EDWARD L. FORD, 0906
TEDDY R. FORDYCE II, 5463
SCOTT A. FOREST, 5522
GERALD T. FORGETTE, 4890
MARK A. FORINGER, 8463
LANCE N. FORTNEY, 3243
CLAUDIA M. FOSS, 2936
HARRY A. FOSTER, 5579
STEVEN D. FOUCH, 3354
*JENNIFER E. FOURNIER, 6438
JOHN A. FOURNIER, 4676
*ROBERT J. FOURNIER, 5543
STEVEN J. FOURNIER, 2625
KAREN S. FRALEY, 6416
MICHAEL S. FRAME, 2435
EDWARD M. FRANKLIN, 1621
ELLEN A. FRANKLIN, 8215
STEVEN C. FRANKLIN, 4180
*GINA T. FRATIANI, 9899
GEORGE W. FRAZIER, JR., 0289
JOHN T. FREDETTE, 0039
BRIAN E. FREDRIKSSON, 8581
FRANK FREEMAN III, 3803
JEFFREY B. FREEMAN, 9705
LEE S. FREEMAN, 7536
MICHAEL D. FREESTONE, 7022
KATHLEEN A. FRENCH, 6668
ROBERT J. FREY, 7999
*ERIC L. FRIED, 6848
*MARIA A. FRIED, 0189
JOSEPH P. FRIERS, 5839
WILLIAM E. FRITZ II, 7277
KENNETH D. FROLLINI, 9984
*JAY. D. FULLER, 7509
*CHRISTOPHER A. FURBEE, 4027
JEFFREY C. GADWAY, 1265
WALTER A. GAGAJEWSKI, 2462
JOHN W. GAGE, 1061
CRAIG L. GAGNON, 1686
DAVID A. GAINES, 9891
NATHAN W. GALBREATH, 8547
PETRA M. GALLERT, 7149
*LIBBY A. GALLO, 4910
JAMES C. GALONSKY, 6580
TROY R. GAMM, 6205
EDWARD W. GANIS, JR., 1729
RICHARD K. GANNON, 7614
ARTHUR G. GARCIA, 7473
JOHN R. GARCIA, 1175
RAUL V. GARCIA, 9096
JOHN R. GARRETT, 1914
CLAY L. GARRISON, 1502
MARK P. GARST, 4211
BRENDA M. GARZA, 8931
DAVID J. GAUTHIER, 0455
THOMAS W. GEARY, 0247
EDWARD R. GEDNEY, 7095
MICHAEL T. GEHRLEIN, 2037
JEWEL A. GEORGE, 7700
SCOT B. GERE, 2018
WILLIAM E. GERHARD, JR., 5484
JEFFREY J. GERINGER, 9889
DANIEL E. GERKE, 2476
*PATRICIA A. GETHING, 8808
CAROL C. GIACHETTI, 3788
ANTHONY P. GIANGIULIO, 6522
GEOFFREY M. GIBBS, 2787
*PARKS G. GIBSON, 2833
ROBERT C. GIBSON, 8951
FRANCES M. GIDDINGS, 9968
DANNY R. GIESLER, 5325
THOMAS C. J. GILKESON, 0403
ANDREA L. GILL, 0408
DAVID L. GILL, 2934
ANDREW W. GILLESPIE, 6817
ERIC J. GILLILAND, 5494
KENNY Y. GILLILAND, 7419
THOMAS C. GILSTER, 6581
STEVEN R. GIOVENELLA, 5932
PETER D. GIUSTI, 5170
ANTHONY L. GIZELBACH, 2018
MICHAEL W. GLACCUM, 7756
JERRY E. GLATTFELT, 6281
FRANK A. GLENN, 3067
KEVIN B. GLENN, 1228
DONAVAN E. GODIER, 9898
*MARTHA D. GOFF, 9747
NATHAN E. GOFF, 9666
JASON L. GOLD, 0502
DAVID J. GOLDEN, 7391
JOHN D. GOLDEN, 2172
PETER E. GOLDFEIN, 3521
DAVID B. GOLDSTEIN, 1185
DANIEL J. GOLEN, 9383
WILLIAM M. GOLLADAY, 5401
GERARD A. GONZALUDO, 8567
JULIA R. GOODE, 6123
JANET L. GOODER, 9160
*GARY R. GOODLIN, 2752
JANETTE B. GOODMAN, 5502
THOMAS E. GOODNOUGH, 6234
STEVEN F. GOODWILL, 4589
JANET K. GORCZYNSKI, 4547
KEVIN A. GORDEY, 2356
JAMES S. GORDON, 0161
JANICE Y. GORDON, 8429
JOHN R. GORDY II, 4036
CATHERINE M. GORTON, 1542
DONALD J. GRABER, 7877
BETH ANN GRADY, 1717
DANIEL R. GRAHAM, 2440
GLENN L. GRAHAM, 6542
JANINE D. GRAHAM, 7835
SCOTT D. GRAHAM, 0092
JONATHAN A. GRAMMER, 7559
ERIK L. GRAVES, 5243
JOHN A. GRAVES, 7330
CHARLES W. GRAY, 0151
DAVID E. GRAY, 6237
GORDON P. GREANEY, 0809
STEWART F. GREATHOUSE, 1555
DARRYL W. GREEN, 2319
DAVID R. GREEN, 4451
*TIMOTHY P. GREEN, 4048
JONATHAN J. GREENE, 8984
STEPHEN E. GREENTREE, 7749
CHARLES S. GREENWALD, 2999
MICHAEL R. GREGG, 8238
MICHAEL R. GREGORY, 9815
MICHAEL C. GRIECO, 0466
DAVID R. GRIFFIN, 5827
WILLIAM M. GRIFFIN, II, 0319
STANLEY E. GRIFFIS, 5267
CEABERT J. GRIFFITH, 0157
*DONALD W. GRIFFITH, 9175
*JENNIFER L. GRIMM, 1687
PATRICK J. GRIMM, 8125
LUCIEN A. GRISE, 5088
JOHN F. GROFF, 0164
RONALD J. GROGIS, 7573
CHARLES K. GROSSART, 7202
JANET R. GRUNFELDER, 3823
*JOHN W. GUETERSLOH, 6361
PAUL R. GUEVIN III, 5571
KEVIN J. GULDEN, 7581
ERIC C. GUMBS, 5654
LARRY E. GUNNIN, JR., 1807
STEPHEN E. GURNEY, 1691
MARTIN D. GUSTAFSON, 5594
CARLOS M. GUTIERREZ, 0257
FLOYD A. GWARTNEY, 1459
DAVID M. HAAR, 0460
WILLIAM E. HABEEB, 1028
DOUGLAS I. HAGEN, 5711
JOHN O. HAGEN, JR., 7306
BELINDA F. HAINES, 9106
STEPHEN A. HAJOSY, 9918
LAWRENCE E. HALBACH, 9919
CALVIN S. HALL II, 3509
JASON T. HALL, 9215
MICHAEL J. HALL, 6177
STEPHEN N. HALL, 9480
MATTHEW W. HALLGARTH, 2097
PAUL S. HAMILTON, 8097
FRANCISCO G. HAMM, 0999
DAVID W. HAMMACK, 2960

BRADLEY K. HAMMER, 5248
DOUGLAS M. HAMMER, 6713
MICHAEL C. HAMMOND, JR., 4326
MARK D. HANCOCK, 2500
WILLIAM J. HANIG, JR., 5611
FRED HANKERSON III, 9662
DARREN T. HANSEN, 4772
JOHN M. HANSEN, 6504
DAVID A. HANSON, 3322
JAMES R. HARDEE, 3810
STEVEN B. HARDY, 6780
*JOANNE C. HARE, 0553
MICHAEL R. HARMS, 0485
TERRANCE A. HARMS, 9981
WILLIAM M. HARNLY, 4985
DON S. HARPER III, 5000
GERALD J. HARPOLE, 8789
MICHAEL HARRINGTON, 8236
PATRICK M. HARRINGTON, 0376
RICKEY O. HARRINGTON, 6042
CHARLES H. HARRIS, 7476
*REBA E. HARRIS, 5288
WANDA F. HARRIS, 9993
JOHN M. HARRISON, 9293
LEONARD P. HARRISON, 0125
MARCIA E. HARRISON, 0343
WILLIAM R. HARRISON, 1490
YVONNE HARRISON, 4701
RODNEY A. HART, 0509
STEPHEN L. HART, 0636
MICHAEL M. HARTING, 6710
RICHARD T. HARTMAN, 0747
JAMES E. HARVEY, 6990
JERI L. HARVEY, 9646
JERRY R. HARVEY, JR., 8882
LYNN M. HARVEY, 6867
DAVID R. HASSLINGER, 4348
*MARK A. HATCH, 0829
STEVEN M. HATCHNER, 7892
DAVID A. HAUPT, 5643
CHRISTOPHER P. HAUTH, 6431
*CHRISTOPHER A. HAWES, 2164
*STEVEN K. HAYDEN, 2128
DAVID C. HAYEN, 9149
BRADLEY F. HAYWORTH, 1581
AMAND F. HECK, 9423
JANE E. HEETDERKSCOX, 2214
DAVID M. HEFNER, 2705
PAUL B. HEHNKE, 6912
*CURTIS L. HEIDTKE, 1105
ROBERT D. HELGESON, 2010
*GUBA LISA M. HELMS, 7244
CRAIG A. HENDERSON, 3214
MARKUS J. HENNEKE, 0006
THEODORE P. HENRICH, 8751
JOSEPH S. HENRIE, 3562
GARY L. HENRY, 8922
WENDY C. HEPT, 6531
MARK R. HERBST, 4079
MARK L. HEREDIA, 3126
CHRISTOPHER A. HERMAN, 7904
GREGORY A. HERMSMEYER, 6872
MAYNARD C. HERTING, JR., 8057
JOHN P. HESLIN, 9508
CRAIG J. HESS, 6261
THOMAS P. HESTERMAN, 3390
MICHAEL H. HEUER, 6788
DAVID L. HICKEY, 1457
HARLAN K. HIGGINBOTHAM, 1681
ALBERT M. HIGGINS, 2737
JEFFREY L. HIGGINS, 3963
THOMAS M. HILDEBRAND, 9755
RANDOLPH C. HILDEBRANDT, 5372
KENNETH A. HILL, 2936
*SCOTT J. HILMES, 9766
DAVID W. HILTZ, 6066
BRADLEY T. HINCE, 8169
CARLETON H. HIRSCHEL, 8095
RONALD W. HIRTLE, 8443
PETER HJELLMING, 4998
BRIAN S. HOBBS, 9344
DAVID J. HOFF, 2138
LAWRENCE M. HOFFMAN, 2683
*BRIAN E. HOFFMANN II, 2395
WAYNE P. HOLDEN, 5432
RHONDA D. HOLDER, 4975
PAUL E. HOLIFIELD, JR., 9217
STEVEN R. HOLKOVIC, 0838
MICHAEL W. HOLL, 4502
DALE S. HOLLAND, 4165
KENNETH G. HOLLIDAY, 5833
DANIEL F. HOLMES, 6894
*GERALDINE E. HOLMESBARNETT, 2693
ERIC L. HOLSTROM, 7332
CHRISTOPHER M. HOLTON, 5222
JOEL N. HOLTROP, 7788
LEA D. HOMSTAD, 4764
*CRINLEY S. HOOVER, 4536
*JEANETTE C. HOPE, 8794
JAMES M. HOPKINS, 0927
JAY R. HOPKINS, 3200
*MARY F. HORNBACK, 2562
ROBERT E. HORSMANN, 7574
SHAUN D. HOUSE, 3748
MICHAEL L. HOUSEHOLDER, 0994
*MAX D. HOUTZ, 3632
ADRIAN L. HOVIOUS, 0208
CHERYL Y. HOWARD, 0792
RUSSELL D. HOWARD, 3480
TIMOTHY W. HOWARD, 1467
ROBERT R. HOWE, 0041
DONNA MARIE HOWELL, 7656
WALTER C. HOWERTON, 8032
BILLIE I. HOYLE, 2515
JEFFERY L. HOYT, 4611
DIRK D. HUCK, 8767
JANET C. HUDSON, 9213
DENISE A. HUFF, 8570
DOUGLAS A. HUFFMAN, 6070
JOHNATHAN B. HUGHES, 8686
JUDITH A. HUGHES, 2208
KEITH M. HUGO, 9303
RODNEY R. HULLINGER, 5453
DEAN G. HULLINGS, 7315
CAMERON D. HUMPHRES, 4072
SUSANNE M. HUMPHREYS, 9082
CRAIG G. HUNNICUTT, 2228
DAVID R. HUNT, JR., 7725
JEFFREY R. HUNT, 5260
ROBERT G. HUNT, 5983
JOHN E. HUNTER, 6720
JON C. HUNTER, 1139
THOMAS M. HUNTER, 7474
BRYAN D. HUNTLEY, 6426
STEVEN B. HURTEAU, 0909
AMELIA L. HUTCHINS, 1051
RICHARD A. HYDE II, 1024
DAVID C. IDE, 2071
GRETCHEN LARSEN IDSINGA, 9181
MARK INGUAGGIATO, 1951
JEFFREY D. IRWIN, 8467
STEPHAN C. ISAACS, 9685
JOHN J. IWANSKI, 7684
KYLE E. JAASMA, 9869
TODD A. JAAX, 3949
CHRISTOPHER J. JACKSON, 6594
DAVID C. JACKSON, 3676
LINWOOD J. JACKSON, JR., 0800
TROY S. JACKSON, 9906
CHRISTOPHER M. JACOBS, 0802
WAYNE R. JACOBS, JR., 9205
*IAN CHARLES JANNETTY, 8814
SUSAN JANO, 8103
BARBARA E. JANSEN, 2852
PATRICK M. JEANES, 3959
*NELTA JEANPIERRE, 5640
RHETT W. JEFFERIES, 3198
BRIAN K. JEFFERSON, 7156
BILLIE M. JENNETT, 2085
CARLOS D. JENSEN, 7321
SEAN L. JERSEY, 5780
KIRK C. JESTER, 9443
LINDA J. JESTER, 7402
MARCUS A. JIMMERSON, 2861
*SUSAN D.K. JOBE, 3280
CONNIE J. JOHNMEYER, 0077
*ANDREW D. JOHNSON, 7960
CAROL A. JOHNSON, 3411
CLARENCE JOHNSON, JR., 6629
DALE R. JOHNSON, 3481
DANIEL E. JOHNSON, 1297
DAVID W. JOHNSON, 8553
ERIC C. JOHNSON, 9416
JAMES M. JOHNSON, 3683
KARLTON D. JOHNSON, 1058
KEVIN L. JOHNSON, 2433
PHILIP E. JOHNSON, 2904
RICHARD A. JOHNSON, 9717
SCOTT F. JOHNSON, 6928
STEVEN B. JOHNSON, 8447
THOMAS N. JOHNSON, 0502
WALTER M. JOHNSON, JR., 7533
JOHNNY K. JOHNSTON, 4587
BRIAN S. JONASEN, 2342
*BRUCE W. JONES, 3244
CHRISTOPHER P. JONES, 4039
CRAIG R. JONES, 4143
*MARC A. JONES, 9148
PATRICIA J. JONES, 6360
PHILLIP W. JONES, JR., 3121
ROY V.J. JONES, 2888
SYLVIA B. JONIGKEIT, 0566
BRIAN D. JOOS, 7477
*FRANZISKA JOSEPH, 1167
*CHRISTOPHER J. JOYCE, 0785
TRACY J. KAESLIN, 7655
KEITH B. KANE, 6702
KIM M. KANE, 6579
STEPHEN J. KARIS, 6667
KIRK S. KARVER, 2958
JANET LYNN KASMER, 4569
MICHAEL B. KATKA, 9365
JAMES C. KATRENAK, 7607
SCOTT M. KATZ, 7630
ANTHONY T. KAUFFMAN, 8600
DAVID A. KAUTH, 9068
CHRISTOPHER M. KEANE, 1547
SHEILA F. KEANE, 4552
JEFFREY T. KEEF, 3728
WILLIAM J. KEEGAN, JR., 3596
DANIEL J. KEELER, 4329
ROBERT W. KEIRSTEAD, JR., 6623
LORETTA A. KELEMEN, 2573
DAVID E. KELLER, 6614
REBECCA A. KELLER, 7572
RONALD J. KELLER, 5855
*CHRISTOPHER L. KELLY, 8216
JEFFREY W. KELLY, 3140
MICHAEL J. KELLY, 8505
RICHARD F. KELLY, 7141
RICHARD S. KELLY, 2564
*JAMES P. KENNEDY, 4823
*JAY KENT, 0649
ROMAN H. KENT, 7598
LINDA J. KEPHART, 5588
ROBERT J. KEPPLER, 0883
FADI P. KHURI, 5867
DARWIN P. KIBBY, 4939
DOUGLAS W. KIELY, 5515
DAVID W. KIERSKI, 5862
*KRISTINE M. KIJEK, 4891
ERIC D. KILE, 4575
ROBERT KILLEFER III, 1039
*CHARLES C. KILLION, 4580
KEVIN R. KILLPACK, 6182
KENNETH T. KILMURRAY, 3893
PETER E. KIM, 2129
*ROBIN P. KIMMELMAN, 1810
MICHAEL T. KINDT, 5220
CARL L. KING, 9747
KRISTY G. KING, 9156
*RAVEN MICHELLE L. KING, 4985
ROSEMARY KING, 5429
CHRISTOPHER E. KINNE, 7147
GUS S. KIRKIKIS, 9544
JAMES J. KISCH, 5805
DOUGLAS K. KLEIST, 8882
KENNETH J. KNAPP, 8286
JAMES A. KNIGHT, 7223
STEPHEN M. KNIGHT, 9046
TRACY L. KNUEVEN, 7267
DANIEL P. KNUTSON, 2185
STACEY T. KNUTZEN, 7863
MARISSA KOCH, 5289
SANDRA L. KOERKENMEIER, 0481
LORIANN A. KOGACHI, 4897
JOSEPH KOIZEN, 9320
KURT M. KOLCH, 4007
*ANTON G. KOMATZ, 1803
MICHAEL W. KOMETER, 2890
DAVID W. KOONTZ, 0174
JOSEPH H. KOPACZ, 8437
RONALD B. KOPCHIK, 7637
CRYSTAL L. KORBAS, 5701
ERIC T. KOUBA, 3705
CHARLES H. KOWITZ, 4016
*ANDREW P. KRAFT, 8358
GREGORY A. KRAGER, 2928
JAMES N. KRAJEWSKI, 1725
*GARY MITCHELL KRAMER, 0735
ANNA MARTINEZ KRAMM, 2975
STEVEN KRAVCHIN, 6100
*ROBERT K. KRESSIN, 6163
THOMAS R.W. KREUSER, 1563
GUYLENE D. KRIEGHFLEMING, 2732
GREGORY A. KROCHTA, 5763
*GREGORY W. KRUSE, 5118
CHRISTOPHER J. KUBICK, 6890
SUZANNE S. KUMASHIRO, 0491
SHIAONUNG D. KUO, 9970
MARK C. KURAS, 0332
ANTHONY C. KWIETNIEWSKI, 5728
SHOMELA R. LABEE, 1312
MANUEL LABRADO, 6809
GUERMANTES E. LAILARI, 9671
DAVID W. LAIR, 7728
MARY T. LALLY, 6023
PETER J. LAMBERT, 5850
*GILBERTO LANDEROS, JR., 5962
BRIAN W. LANDRY, 9319
JOSEPH C. LANE, 5665
THOMAS R. LANE, 9312
DAVID M. LANGE, 9994
MARK A. LANGE, 3680
MARK J. LANGLEY, 7977
*DENNIS W. LANGSTON, 8898
JEFFREY W. LANNING, 2024
ROWENE J. LANT, 0782
TIMOTHY P. LAQUERRE, 8358
MICHAEL E. LARAMEE, 2177
MARGARET C. LAREZOS, 2064
CRAIG C. LARGENT, 9904
ANDRE M. LARKINS, 4858
BRET C. LARSON, 9137
KELLY J. LARSON, 0803
LAURA L. LARSON, 2136
LOREN B. LARSON, 5506
PHILLIP J. LASALA, 8193
JEFFREY R. LATHROP, 6255
ROBERT R. LATOUR, 0095
SCOTT C. LATTIMER, 4827
RICHARD W. LAURITZEN, 4413
DAVID P. LAVALLEY, 0912
PAUL A. LAVIGNE, 1044
PETER S. LAWHEAD, 0148
TIMOTHY J. LAWRENCE, 5586
KATHLEEN A. LAWSON, 0015
KELLY A. LAWSON, 1269
EUGENE D. LAYESKI, 3888
ANITA L. LEACH, 8486
JULIE A. LEAL, 0946
RICHARD D. LEBLANC, 6149
JAMES E. LEDBETTER, JR., 5311
DAVID J. LEE, 9982
DEAN W. LEE, 7768
JAMES K. LEE, 1614
KEVIN R. LEE, 3608
JOHN R. LEITNAKER, 7084
GLENN B. LEMASTERS, JR., 4322
*DANIEL G. LEMIEUX, 5203
LAWRENCE M. LENY, 4278
CHARLES W. LEONARD, 8833
ROBERT T. LEONARD, 3924
THOMAS A. LERNER, 3919
DAVID M. LEVINE, 9852
*CHARLES E. LEWIS, 5843
KEITH E. LEWIS, 9001
RAYMOND K. LEWIS, 9381
GARY D. LIEBOWITZ, 7306
MICHAEL P. LIECHTY, 8715
RONALD K. LIGHT, JR., 8045
ALFRED M. LIMARY, 0039
LEIGH A. LINDQUIST, 2149
RAY A. LINDSAY, 8329
*JOSEPH G. LINFORD, 7459
*JOHN T. LINN, 8775
DEWEY G. LITTLE, JR., 1327
JENICE L. LITTLE, 5116
JOHN W. LITTLEFIELD, 2909
THOMAS B. LITTLETON, 6897
DANIEL D. LLEWELYN, 4130
*DAVID L. LOBUE, 2808
DONALD C. LOCKE, JR., 9667
ERVIN LOCKLEAR, 9540
JANET K. LOGAN, 8703
BRYAN D. LOGIE, 7587
VINCENT P. LOGSDON, 5998
DAVID S. LONG, 7302
GREGORY P. LONG, 2898
SHARON M. LOPARDI, 3707
JOSEPH C. LOPERENA, 5649
ADALBERTO LOPEZ, JR., 5140
MAX LOPEZ, 5527
RAYMOND S. LOPEZ, 9998
ROYCE D. LOTT, 1663
ANDREW LOURAKE, 1314
JOSEPH C. LOVATI, 1961
JEFFREY D. LOVE, 0614
CHRISTOPHER W. LOWE, 9177
DAVID B. LOWE, 4225
GREGG S. LOWE, 9054
JANE K. LOWE, 4696
KEITH F. LOWMAN, 7353
DAVID S. LUBOR, 4392
DAVID J. LUCIA, 3284
ABBIE K. LUCK, 1963
GREGORY T. LUKASIEWICZ, 1893
STEVEN P. LUKE, 3783
JEFFREY S. LUM, 6749
VALERIE L. LUSTER, 8073
NATHAN G. LYDEN, 0265
SHANNON D. LYNCH, 8948
STEPHAN G. LYON, 3705
ADAM MACDONALD, 9809
JOHN R. MACDONALD, 4772
RONALD G. MACHOIAN, 6754
DAVID P. MACK, 5117
JOHN R. MACKAMAN, 6329
MATTHEW M. MACKINNON, 1873
TIMOTHY J. MADDEN, 0542
MICHAEL E. MADISON, 1918
KENNETH D. MADURA, 4970
CARL F. MAES, 6893
PATRICK J. MAES, 0950
CHERYL L. MAGNUSON, 3781
DENA M. MAHER, 0659
EDWARD A. MAITLAND, 2305
STEVEN R. MALL, 4590
CHARLES J. MALONE, 3492
WILLIAM H. MALPASS, 7428
PETER E. MANCE, 1378
PAUL R. MANCINI, 1021
WILLIAM J. MANDEVILLE, 4831
MATTHEW A. MANDINA, 5945
MICHELLE R. MANDY, 4903
GREGORY J. MANG, 1715
MATTHEW E. MANGAN, 7686
JEFFREY J. MANLEY, 6944
JUDY L. MANLEY, 3624
JOHN F. MANNEY, JR., 3639
*SCOTT A. MANNING, 2703
ROBERT A. MARASCO, 1915
MARTIN R. MARCOLONGO, 4433
DEBORAH R. MARCUS, 4325
GOUVEIA TAMZI M. MARIANO, 1758
JEFFREY L. MARKER, 0144
ROBERT G. MARLAR, 1698
JAMES D. MARRY, 3389
MARK A. MARRY, 8359
LEE H. MARSH, JR., 3341
RAYMOND W. MARSH, 1007
STEVEN C. MARSMAN, 9013
JAVIER MARTI, 6130
CYNTHIA A. MARTIN, 8737
HAROLD W. MARTIN III, 5218
ELFIDO MARTINEZ, 0257
GLENN E. MARTINEZ, 7365
JUAN F. MARTINEZ, 9997
ORLANDO M. MARTINEZ, 5822
DAVID B. MARZO, 7196
MICHAEL L. MASON, 3108
RICHARD L. MASTERS, JR., 2786
EDWARD J. MASTERSON, 2309
KEVIN M. MASTERSON, 0137
KEVIN P. MASTIN, 5619
RUBEN MATA, 5751
ROY V. MATHIS, 4037
DANE D. MATTHEW, 6600
AUDRA R. MATTHEWS, 5216
PATRICK S. MATTHEWS, 9009
MIKE M. MATTINSON, 8605
KYLE H. MATYI, 6989
DAVID K. MAY, 7315
JONATHAN R. MAY, 3365
ROBERT L. MAY, JR., 5998
SCOTT L. MAYFIELD, 4858
AARON D. MAYNARD, 5837
CRAIG E. MAYS, 3896
EUGENE J. MAZUR, JR., 8876
MAURIZIO MAZZA, 4609
ANDRE MCAFEE, 3633
KEITH D. MCBRIDE, 0491
RACHEL A. MCCAFFREY, 0313
TERRANCE J. MCCAFFREY II, 4033
CHRISTOPHER C. MCCANN, 5815
GERALD J. MCCAWLEY, 4322
JAMES C. MCCLELLAN, 4570
JAMES M. MCCLESKEY, 5769
CHARLES J. MCCLOUD, JR., 1485
ROBERT M. MCCOLLUM, 4289
RICHARD D. MCCOMB, 5837
*KATHY P. MCCONNELL, 2387
THOMAS L. MCCONNELL, 9970
*MICHAEL J. MCCORMICK, 3292
ALISON F. MCCOY, 7502
STEVEN R. MCCOY, 9153
ILYO L. MCCRAY, 7915
JAMES D. MCCREARY, 9017
MARY A. MCCUBBINS, 5225
*REGINALD G. MCCUTCHEON, 6273
MICHAEL B. MCDANIEL, 8126
CHARLES M. MCDANNALD III, 7700
IDA L. MCDONALD, 3853
JOE D. MCDONALD, 1787
JOHN J. MCDONOUGH III, 8810
WANDA J. MCFATTER, 5453
JENNY A. MCGEE, 1185
LETITIA R. MCGEE, 7870
KRISTINE A. MCGINTY, 3727
JERRY H. MCGLONE, 4973
THERESA J. MCGOWANSROCZYK, 6617
CARLTON W. MCGUIRE, 9049
*RALPH D. MCHENRY, JR., 6845
GENE P. MCKEE, 1078
THOMAS H. MCKENNA, 3700
*TIMOTHY J. MCKENNA, 0087
JOHNNY R. MCKENNEY, JR., 6115
MATTHEW A. MCKENZIE, 1596
PATRICK T. MCKENZIE, 8601
MARY L. MCKEON, 0112
RICHARD R. MCKINLEY, 8903
CAREY M. MCKINNEY, 8101
TANYA R. MCKINNEY, 1632
RANDALL A. MCLAMB, 1314
LAWRENCE W. MCLAUGHLIN, 2670
*VONDA F. MCLEAN, 3983
SCOTT D. MCLEOD, 4037
MICHAEL C. MCMAHON, 3382
TERENCE J. MCMANUS, 1743
THOMAS J. MCNEILL, 1247
GREGORY J. MCNEW, 3695
STACY S. MCNUTT, 9300
CAROL L. MCTAGGART, 8362
HUGH J. MCTERNAN, 5060
LAURA J. MCWHIRTER, 9132
MICHAEL A. MEANS, 7824
BRIAN B. MEIER, 0853
DOUG J. MELANCON, 3877
AURA L. MELENDEZ, 6098
LIBERTAD MELENDEZ, 7092
THOMAS S. MENEFEE, 5243
MARK W. MERCIER, 9876
KENT I. MEREDITH, 6567
SCOTT C. MERRELL, 4933
KAREN R. MERTES, 7871
DAVID P. MERTZ, 0798
DEBORAH A. MESERVE, 1204
DONALD E. MESSMER, JR., 9486
FREDERICK G. MEYER, 9233
JEFFREY A. MEYER, 9784
LINDA P. MEYER, 3092
MICHAEL B. MEYER, 0598
JESSICA MEYERAAN, 0825
DOUGLAS B. MEYERS, 5043
HAROLD F. MEYERS, 4741
MONICA E. MIDGETTE, 9884
JOSEPH A. MIGGINS, 3889
JOHN M. MIGYANKO, 0416
QUINTEN L. MIKLOS, 8758
CURTIS S. MILAM, 6227
GARY L. MILAM, 0912
SHARI T. MILES, 1901
ANGELA D. MILEY, 3579
ALAN R. MILLER, 5264
BRYAN E. MILLER, 0573
CURTIN W. MILLER, 0078
DANIEL A. MILLER II, 6012
DAVID G. MILLER, 1386
DOUGLAS R. MILLER, 6015
EDDIE T. MILLER, 5554
GRETCHEN P. MILLER, 0260
JODY D. MILLER, 5569
KARLA J. MILLER, 9515
*RANDALL J. MILLER, 3581
RICHARD C. MILLER, 8545
ROBERT C. MILLER, 4047
VIVIAN L. MILLER, 3162
MICHAEL S. MILLS, 5050
AVERY D. MIMS, 0095
*FRANCIS P. MINOGUE, 0418
JOSEPH B. MIRROW, 1953
KEVIN J. MISSAR, 1065
ELSPETH J. MITCHELL, 5497
GLENDA M. MITCHELL, 1718
JOSEPH C. MITCHELL, 5436
*MARGUERITE T. MITCHELL, 0251
MARK E. MITCHELL, 3016
MICHAEL E. MITCHELL, 4600
RICHARD L. MITCHELL, 7867
ROBYN A. MITCHELL, 0161
MARK J. MITTLER, 0443
*DONALD C. MOBLY, 5263
STEPHEN E. MOCZARY, 4199
JAMES J. MODERSKI, 8619
COLIN R. MOENING, 2558
JOHN J. MOES, 1622
CHRISTOPHER A. MOFFETT, 4049
CHARLES M. MONCRIEF, 2561
DENNIS A. MONTERA, 5558
THOMAS P. MONTGOMERY, 4463
*BRYAN S. MOON, 4437
DARRYL W. MOON, 6069
ANNETTE MOORE, 7688
*AUNDRA L. MOORE, 3506
*JOE W. MOORE, 1197
LOURDES D. R. MOORE, 5182
MICHAEL A. MOORE, 2273
PATRICIA R. MOORE, 4961
THOMAS C. MOORE, 4012
TIMOTHY K. MOORE, 2239

RICHARD D. MOOREHEAD, 7067
RAFAEL MORALESFIGUEROA, 1831
JACK P. MORAWIEC, 2240
JOHN W. MOREHEAD, 7613
MICHAEL D. MORELOCK, 0593
DAVE B. MORGAN, 7140
DAVID S. MORK, 2738
RONALD P. MORRELL, 4384
LINDA J. MORRIS, 1189
RICHARD W. MORRIS, 6080
BROOK S. MORROW, 4879
GARY S. MOSER, 7089
KEVIN B. MOSLEY, 1591
GREGORY D. MOSS, 2310
KARI A. MOSTERT, 6962
KIRK B. MOTT, 4022
TIMOTHY B. MOTT, 5835
PETER G. MOUTSATSON, 0194
TY C. MOYERS, 9829
PAUL J. MOZZETTA, 2670
DAVID G. MUEHLENTHALER, 7702
RICHARD J. MUELLER, 1567
ALAN G. MUENCHAU, 1968
JAMES R. MUNFORD, 2038
DAVID W. MURPHY, 0992
LYNN P. MURPHY, 1288
RICKY R. MURPHY, 6399
THOMAS E. MURPHY, 6679
JOHN P. MURRAY, 3757
TIMOTHY M. MURTHA, 3182
DEBORAH K. MURTOLA, 1044
CANDICE L. MUSIC, 0366
TONY P. MUSSI, 8179
*ANTHONY E. MUZEREUS, 1554
JEFFREY B. MYERS, 4630
*CHARLES D. MYRICK, 0693
DANA L. MYRICK, 7019
MARY J. NACHREINER, 7077
DAVID S. NAHOM, 5839
DAVID S. NAISBITT, 9504
MICHAEL L. NAPIER, 3106
PATRICIA A. NARAMORE, 7546
*GILBERT G. NARRO, 4972
JOSEPH B. NATTERER, 8527
JOHN R. NEAL, 9880
KELLY L. NEAL, 6807
RANDALL C. NEDEGAARD, 6600
HOWARD D. NEELEY, 2529
DALE L. NEELY, JR., 7274
JAMES R. NEEPER, JR., 8010
CLIFTON D. NEES, 5864
CATHERINE M. NELSON, 5977
DAVID K. NELSON, 3965
JON C. NELSON, 4629
KRISTEN A. NELSON, 9770
*LENORA C. NELSON, 4687
SCOTT R. NELSON, 4525
SHAWN D. NELSON, 1052
THOMAS N. NELSON, 7721
STEVEN W. NESSMILLER, 8270
KATERINA M. NEUHAUSER, 8916
JOSEPH H. NEWBERRY, 8656
KENNIS R. NICHOLLS, 2651
RICHARD B. NICHOLS, 5269
ANTHONY B. NICHOLSON, 9134
ANDREW T. NIELSEN, 4276
GAIL M. NOBLE, 0158
JEFFREY R. NOLAN, 2770
RICHARD E. NOLAN, 7379
TIMOTHY J. NOLAN, 5693
MICHAEL J. NOLETTE, 9032
GARY V. NORDYKE, 4727
THOMAS W. NORRIS, 4243
WILLIAM A. NOVAK, 1662
*ANTHONY T. NOVELLO, 1061
MICHAEL J. NOYOLA, 3944
FREDERICK D. NYBERG, 1300
ADAM E. NYENHUIS, 2827
JEFFREY W. NYENHUIS, 7583
DEBORAH LYNNE ODELL, 4876
DIANA R. ODONNELL, 9589
WALSH TRACY A. OGRADY, 9906
ANGEL R. OLIVARES, 5104
*MICHAEL J. OLIVE, 3242
JOHN SHERMAN OLIVER, 3302
*CHARLES S. OLSON, 0623
CRAIG A. OLSON, 3675
CHRISTOPHER J. OMLOR, 6962
PATRICK R. ONEILL, 7973
DWAYNE J. OPELLA, 6111
ANTHONY L. ORDNER, 4905
HOWARD K. OSBORNE, 5059
DOLORES M. OSBORNEHENSLEY, 5387
EDWIN H. OSHIBA, 2397
LOUIS C. OSMER, 8418
*HEATHER L. OSTERHAUS, 2442
BEVERLY D. OSTERMEYER, 9768
*JOLANTA J. OSZURKO, 6981
KARL E. OTT, 7375
KAREN L. OTTINGER, 1430
ROGER R. OUELLETTE, 2121
DANIEL J. OURADA, 6766
BRENDA L. OWEN, 7923
CHARLES R. OWEN, 9644
RHONDA G. OZANIAN, 4459
ANTHONY M. PACKARD, 0779
MARIA C. PAGAN, 8145
BENJAMIN R. PAGANELLI, 1049
CLEVELAND S. PAGE, 1801
JAMES P. PAGE, 2709
*BRENDA A. J. PAKNIKNAGEM, 4927
JOSEPH F. PALLARIA, JR., 0318
DAVID J. PALMER, 1312
RICHARD S. PALMIERI, 0541
JAMES P. PALMISANO, 7382
STANLEY D. PANGRAC, II, 1407
*JAMES W. PANK, 2942
LOUIS P. PAOLONE, 1177
ANTHONY F. PAPATYI, 8036
JENNIFER R. PAPINI, 3705
AMY A. PAPPAS, 1562
JAMES M. PAPPAS, 3415
KATHYLEEN M. PARE, 8914
JEREMY M. PARISI, 8745
JOHN T. PARK, 4020
VINCENT K. PARK, 9689
BRIAN A. PARKER, 6094
EDWARD L. PARKER, JR., 2982
GREGORY H. PARKER, 0782
JAMES G. PARKER, JR., 3217
TIMOTHY W. PARKER, 7199
RICHARD L. PARKS, 9274
MICHAEL L. PARLOW, 7677
KEITH C. PARNELL, 0084
DEBRA A. PARRISH, 0333
SEAN P. PARRY, 2888
DALE A. PARSONS, 8882
JAMES L. PATTERSON, II, 8301
MARK A. PATTERSON, 2093
RONNIE M. PATTERSON, 7916
BRADLEY H. PATTON, 5055
SCOTT GEORGE PATTON, 3616
DALE A. PATTYN, 8686
RONALD E. PAUL, 9139
JOHN G. PAYNE, 4110
JOHN R. PAYNE, 8588
JOHN W. PEARSE, 6170
WILLIAM R. PEARSON, 3231
PAUL J. PEASE, 2293
DONALD J. PECK II, 5235
*LISA T. PEGUES, 9669
*DAVID W. PENCZAR, 3482
DONALD R. PENDERGRAFT, 9638
TRAVIS E. PEPPLER, 7288
GROVER C. PERDUE, 9102
ROBERT M. PERON, 9063
LUCI P. PERRI, 7852
DOUGLAS W. PERSONS, 6665
CHRISTINE M. PETERS, 6198
DAVID E. PETERS, 5381
MELVIN H. PETERSEN, 9648
ERICK S. PETERSON, 3660
KARL R. PETERSON, 8831
RICHARD A. PETERSON, JR., 9943
RODNEY J. PETITHOMME, 7046
JON J. PETRUZZI, 2482
ROBERT A. PFEIFER, 4719
JOHN J. PHALON, 2676
BRETT A. PHILLIPS, 9061
BRIAN S. PHILLIPS, 9971
RODGER W. PHILLIPS, 3970
TODD R. PHINNEY, 3118
TODD L. PHIPPS, 2802
MARC D. PICCOLO, 3709
MICHAEL M. PIERSON, 3448
*RUSSELL L. PINARD, 1686
*SCOTT F. PINKMAN, 3905
JO A. PINNEY, 6660
DAVID S. POAGE, 6304
DAVID J. POHLEN, 9904
VICTOR P. POLITO, 7666
*MARK D. POLLARD, 9691
DAVID E. POLLMILLER, 7156
STEPHEN R. POMEROY, 8899
MARK S. POOL, 7384
LOURDES M. POOLE, 3473
ANTHONY P. POPOVICH, 4202
JOSEPH T. POPOVICH, 1443
ROBERT J. POREMSKI, 1257
GARDINER V. PORTER, 1507
SCOTT W. PORTER, 7930
CATHERINE A. POSTON, 0763
*SHEILA D. POWELL, 2313
JOHN W. POWERS III, 2471
WILLIAM M. PRAMENKO, 1730
MICHAEL W. PRATT, 5332
KEITH M. PREISING, 0573
ROBERT D. PRICE, 4043
STEVEN J. PRICE, 0754
JOHN E. PRIDEAUX, 3253
KENNETH D. PRINCE, 8687
GREGORY B. PROTHERO, 8650
ROBERT J. PROVOST, 0319
WILLIAM PUGH, 7213
JACK D. PULLIS, 7279
WALTER E. PYLES, 3622
TERESA A. QUICK, 9157
JAMES A. QUIGLEY, 8462
JOHN T. QUINTAS, 2479
CHRISTOPHER J. QUIROZ, 2474
JOSEPHINE C. K. QUIROZ, 2877
RODNEY ALLEN RADCLIFFE, 5651
BRIAN D. RADUENZ, 0525
RICHARD A. RADVANYI, 2518
KURT R. RAFFETTO, 1009
MICHELLE M. RAFFETTO, 1463
DANIEL G. RAINES, 8094
ELIOT S. RAMEY, 6344
*ROBERT A. RAMEY, 9466
GREGORY N. RANKIN, 1713
ROBERT J. RANKIN, 2993
VICKI J. RAST, 0601
GLENN A. RATCHFORD, 4881
*DIANE L. RAUSCH, 9664
DOUGLAS M. RAUSCH, 1341
MARINA C. RAY, 2933
BRUCE RAYNO, 8829
DARRELL M. RAYNOR, 6740
CATHERINE A. REARDON, 9363
ALAN F. REBHOLZ, 2121
ROBERT D. REDANZ, JR, 9480
MICHAEL E. REDDOCH, 9475
BRADLEY S. REED, 9450
*CARL L. REED II, 8721
ROBERT L. REED, 2981
PATRICK S. REESE, 6962
MICHAEL J. REEVES, 2368
JAMES A. REGENOR, 9264
THOMAS T. REICHERT, 2703
DAVID E. REIFSCHNEIDER, 8976
KEVIN P. REIGSTAD, 6524
DOUGLAS P. REILLY, 3695
JAMES E. REINEKE, 3565
GREGORY M. REITER, 7178
PAUL RENDESSY, 9380
PETER C. RENNER, 8824
*JULIE L. RESHESKEFISHER, 2553
DAVID A. REY, 2058
MICHAEL REYNA, 4109
KENNETH D. RHUDY, 5813
KENNETH E. RIBBLE, 2741
ROBERT S. RICCI, 0291
DOMINICA R. RICE, 7211
RANDER RICE, 5351
ETHAN B. RICH, 7477
HAROLD L. RICHARD, JR., 9413
CHRISTOPHER C. RICHARDSON, 2142
JAMES D. RICHARDSON, 3767
PAUL RICHARDSON, 7613
RENEE M. RICHARDSON, 9564
RUDY L. RIDENBAUGH, 9778
PETER A. RIDILLA, 2625
CURTIS B. RIEDEL, 4196
KEITH B. RIGGLE, 4949
*ROBERT J. RIGGLES, 6612
DANNY W. RILEY, 8696
PATRICIA M. RINALDI, 8887
RUBEN RIOS, 1761
RANDOLPH E. RIPLEY, 5145
DAVID G. RISCH, 8372
ALEXANDER K. RITSCHEL, 4428
TODD A. RITTER, 5391
KATHLEEN M. RIZZA, 4019
CHRISTOPHE F. ROACH, 8912
KARI W. ROBERSONHOWIE, 7692
JAMES E. ROBERTS, JR., 7505
*TONY R. ROBERTS, 8135
RANDALL D. ROBERTSON, 2612
CHANDRA L. ROBESON, 5383
PETER C. ROBICHAUX, 4488
*PANDOLLA ROBIN, 1766
CHARLES T. ROBINSON, 0466
DAVID T. ROBINSON, 6548
DIANE W. ROBINSON, 3831
*JOHN A. ROBINSON, 8672
JULIETTE ROBINSON, 2565
MICHAEL A. ROBINSON, 5552
NEIL W. ROBINSON, JR., 7924
ROGER E. ROBINSON, 8630
STANLEY K. ROBINSON, 8190
WILLIAM A. ROBINSON, JR., 8585
*JAMES E. RODRIGUEZ, 8068
*LUIS A. RODRIGUEZ, 6815
*JOHN K. ROGERS, 7236
ROBERT M. ROGERS, 1734
JOSEPH A. ROH, 2839
LUIS A. ROJAS, 4217
*KENNETH J. ROLLER, 6236
GREGORY E. ROLLINS, 5146
JOSEPH J. ROMERO, 4615
MICHAEL E. RONZA, 9520
EVA M. ROSADO, 8955
JOHN J. ROSCOE, 9209
DAVID J. ROSE, 3066
LEE W. ROSEN, 4556
RONALD L. ROSENKRANZ, 3152
GREGORY J. ROSENMERKEL, 4492
JAMES P. ROSS, 1747
SCOTT K. ROSS, 4836
*DETLEF H. ROST, JR., 6387
DOUGLAS F. ROTH, 2121
RICHARD P. ROTH, 7495
ROBERT B. ROTTSCHAFER, 8330
CHRISTOPHER E. ROUND, 4389
MICHAEL C. ROUSE, 3798
ANDERSON B. ROWAN, 0479
MICHAEL J. ROWE, 5256
RICHARD L. ROWE, JR., 8929
DAVID B. ROWLAND, 8404
THOMAS M. ROY, 4517
JAMES M. RUBUSH, 8108
GARY S. RUDMAN, 6976
CHRISTIAN M. RUEFER, 8649
BRIAN C. RUHM, 5077
RAMPHIS E. RUIZ, 9091
DAVID L. RUNDELL, 5628
LAUREN RUNGER, 8237
DANIEL H. RUNKLE, 3165
*DANIEL B. RUNYON, 8686
RALPH J. RUOCCO, 9335
JAMES M. RUPA, 8935
*DANIEL J. RUSH, 8746
CHE V. RUSSELL, 8193
ROY C. RUSSELL, 6724
PHILIP E. RUTLEDGE II, 7711
PATRICK G. RYAN, 1412
*REBECCA L. RYAN, 3724
STEPHEN M. RYAN, 6099
JON J. RYCHALSKI, 8928
JAMES RYPKEMA, 0629
JEAN M. SABIDO, 5567
*JOHN A. SADECKI, 7444
THOMAS G. SADLO, 8899
MARK P. SALANSKY, 8549
BIENVENIDA M. SALAZAR, 2923
JOHN C. SALENTINE, 2385
MATTHEW D. SAMBORA, 1208
ALBERTO C. SAMONTE, 3128
KIRK J. SAMPSON, 9898
MONTAGUE D. SAMUEL, 7109
JOHN J. SANCHEZ, 1707
PABLO A. SANCHEZ, 4212
DAVID P. SANCLEMENTE, 6148
ALBERT G. SANDERS, 8992
ELIA P. SANJUME, 1987
*J. EMMANUEL I. SANTATERESA, 4870
THOMAS A. SANTORO, JR., 5543
ROY C. SANTOS, 4583
MARK A. SARDELLI, 0507
PETER E. SARTINO, 3952
PETER A. SARTORI, 0050
TIMOTHY D. SARTZ, 8063
TODD M. SASAKI, 8658
JEFFREY A. SATTERFIELD, 3684
SHERRIE L. SAUNDERSGOLDSON, 3328
DUANE A. SAUVE, 4527
JEFFREY A. SAXTON, 2930
DARRYL F. SCARVER, 9162
DOUGLAS P. SCHAARE, 4296
DOROTHY RUTH SCHANZ, 4053
KEVIN D. SCHARFF, 7422
*RAFAEL A. SCHARRON, 6588
*CHRISTOPHER S. SCHARVEN, 1152
PAUL E. SCHERER, 6497
NICOLAUS A. SCHERMER, 4071
TIMOTHY K. SCHIMMING, 8124
CONSTANCE E. SCHLAEFER, 9136
DAVID J. SCHLUCKEBIER, 1745
JAMES G. SCHMEHIL, JR., 8098
ALLEN T. SCHMELZEL, 4841
GARRETT J. SCHMIDT, 4105
LISA A. SCHMIDT, 2103
MARK C. SCHMIDT, 7777
BRIAN A. SCHOOLEY, 2220
SUZET SCHREIER, 4567
ROBERT P. SCHROEDER, 6074
JOHANNA Q. SCHULTZ, 8400
TIMOTHY P. SCHULTZ, 8086
ROBERT J. SCHUTT, 1424
BERNARD SCHWARTZ, 9616
HEIDI H. T. SCHWENN, 7445
*KAREN L. SCLAFANI, 2636
ANNE MARIE SCOTT, 5485
ERIC C. SCOTT, 1619
HERBERT C. SCOTT, 4507
JAMES C. SCOTT, 0047
RONALD L. SCOTT, JR., 7725
TERRY SCOTT, 5240
JEFFREY E. SCUDDER, 9931
DOUGLAS B. SEAGRAVES, 9641
MALINDA K. SEAGRAVES, 4881
JOHN T. SEAMON, 2084
JAMES N. SEAWARD, 1786
ROBERT C. SELEMBO, 7092
MICHAEL A. SEMENOV, 7810
DANIEL M. SEMSEL, 4553
JAMES L. SENN, 3464
JAMES N. SERPA, 8957
KIMBERLY D. SEUFERT, 6290
CHAD R. SEVIGNY, 5675
JOSEPH A. SEXTON, 5186
JOHN K. SHAFER, 7755
MILHADO L. SHAFFER III, 5757
RAY A. SHANKLES, 8778
MICHAEL P. SHANNAHAN, 2766
BRETT D. SHARP, 3782
JEFFREY M. SHAW, 6890
ETHEL S. SHEARER, 7732
CHRISTINE J. SHEAROUSE, 5404
PERRY T. SHEAROUSE, 0324
*LISA C. SHEEHAN, 5190
BRYAN H. SHELBURN, 2998
MARIAN B. SHEPHERD, 6988
JOHN M. SHEPLEY, 0860
RYAN M. SHERCLIFFE, 8400
JEFFREY R. SHERK, 8052
GEORGE A. SHERMAN III, 1200
*BARBARA E. SHESTKO, 6958
JEREMIAH L. SHETLER, 9410
MICHAEL W. SHIELDS, 5204
FREDERICK R. SHINER, 5638
CHERRI L. SHIREMAN, 9547
WILLIAM T. SHEPHERD SHIRLEY, 1960
WILLIAM L. SHOPP, 7543
*ALAN T. SHORE, 3870
LAWRENCE M. SHOVELTON, 1335
CHARLES A. SHUMAKER, 5667
DALE G. SHYMKEWICH, 8303
CHARLES P. SIDERIUS, 4620
JOSEPH F. SIEDLARZ, 8410
LEANNE M. SIEDLARZ, 5900
PATRICK R. SILVIA, 1044
*THOMAS A. SILVIA, 0079
JOSEPH SIMILE, JR., 1043
RONALD J. SIMMONS, 2315
ROBERT V. SIMPSON, 8608
*WILLIAM T. SINGER, 1000
NAVNIT K. SINGH, 9077
JAMES M. SIRES, 6916
JAMES B. SISLER, 0888
RICHARD A. P. SISON, 4821
LOUANN SITES, 8408
JOHN H. SITTON, 8195
JONATHAN L. SKAVDAHL, 9447
DAVID W. SKOWRON, 8057
MICHAEL L. SLOJKOWSKI, 7301
GREGORY L. SLOVER, 2117
ROBERT L. SLUGA, 1574
THOMAS E. SLUSHER, 7492
KALWANT S. SMAGH, 1812
KENNETH SMALLS, 5545
MARK P. SMEKRUD, 7324
DOUGLAS S. SMELLIE, 7006
BETTY M. SMITH, 1299
CHRISTOPHER AVERY SMITH, 3164
CORNELL SMITH, 6702
DAVID A. SMITH, 6876
DAVID GILMAN SMITH, 1811
DIRK D. SMITH, 4850
DORRISS E. SMITH, 7413
DOUGLAS R. SMITH, 0935
GEORGE T. SMITH III, 1513
GLENN P. SMITH, 8786
GREGORY A. SMITH, 7260
KENDA C. SMITH, 8831
*PAUL F. SMITH, 7970
RANDELL P. SMITH, 8563
*RICKY L. SMITH, 0869
SANDRA K. SMITH, 3758
SCOTT T. SMITH, 6514
THOMAS J. SMITH, 3869
VERNETT SMITH, 1079
CRAIG A. SMYSER, 4935
*DAVID ROBERT SNYDER, 9651
RICHARD H. SOBOTTKA, 7761
CLARK M. SODERSTEN, 9901
JAMES P. SOLTI, 6740
NEBOJSA SOLUNAC, 6720
EDWARD D. SOMMERS, 0977
DWIGHT C. SONES, 9945
MAURO D. SONGCUAN, JR., 9659
DAVID M. SONNTAG, 1094
JOHN G. SOPER, 2918
*PETER A. SORENSEN, 8256
EVA CHRISTINE SORROW, 0092
SEAN M. SOUTHWORTH, 0408
DAVID M. SOWDERS, 8958
ROBERT L. SOWERS II, 2916
MICHAEL J. SPANGLER, 5889
MILTON C. SPANGLER II, 2069
THOMAS E. SPARACO, 6471
*VANCE HUDSON SPATH, 9259
JONATHAN R. SPECHT, 8072
CALVIN B. SPEIGHT, 7151
TANGELA D. SPENCER, 1667
JAMES A. SPERL, 8092
CARLA M. SPIKOWSKI, 4303
HAROLD S. SPINDLER, 1000
ANDREW D. SPIRES, 8171
ERIC K. SPITTLE, 2168
ROBERT A. SPITZNAGEL, 0948
SAMUEL L. SPOONER III, 3823
SHARON L. SPRADLING, 7251
*WONSOOK S. SPRAGUE, 7282
STEPHEN L. SPURLIN, 4419
RAYMOND W. STAATS, 8738
JOHN J. STACHNIK, 5864
STANLEY STAFIRA, 1311
EDWARD C. STALKER, 9546
ALINE M. STAMOUR, 5485
GEORGE L. STAMPER, JR., 7230
CARL M. STANDIFER, 7878
BRIAN K. STANDLEY, 8217
MARIA STANEK, 4696
CLIFFORD B. STANSELL, 8606
MICHAEL P. STAPLETON, 6919
STEVEN H. STATER, 7376
GREGORY C. STAUDENMAIER, 1088
*DAWN M. STAVE, 3641
SHERRY L. STEARNS, 5566
JOHN H. STEELE, 8704
JENNIFER E. STEFANOVICH, 9965
*ETHAN A. STEIN, 1293
JOHN C. STEINAUER, 4712
CINDY D. STEPHENS, 4473
JAMES R. STEPHENS, JR., 0024
TIMOTHY M. STEPHENS, 4163
JAY C. STEUCK, 5631
ALAN C. STEWART, 4738
JEFFREY P. STEWART, 4339
KEVIN STEWART, 1382
DAVID R. STIMAC, 2631
HENRY E. E STISH, 2165
CHARLES G. STITT, 0675
STEPHEN J. STOECKER, 9978
PATRICK J. STOFFEL, 6307
RODNEY J. STOKES, 0113
*SCOTT E. STOLTZ, 6233
CRISTINA M. STONE, 7697
ELMER C. STONE, JR., 4345
JAY M. STONE, 7258
*JOHN A. STONE, 8164
*CHRISTOPHER K. STONER, 6039
SHARION L. STONEULRICH, 2516
DOUGLAS C. STORR, 9358
PAUL S. STORY, 2124
*JULIA G. STOSHAK, 9302
ANGELA G. STOUT, 9008
NAOMI E. STRANO, 0726
CHRISTOPHER J. STRATTON, 6445
DANIEL E. STRICKER, 4355
ROBERT STRIGLIO, 3370
DANA E. STRUCKMAN, 9496
NELSON R. STURDIVANT, 2193
JAIME E. SUAREZ, 8736
CHARLES S. SUFFRIDGE, 9153
PATRICK T. SULLIVAN, 7422
SCOTT A. SULLIVAN, 0433
BEVERLY J. SUMMERS, 7698
LUTHER W. SURRATT II, 5611
CHRISTOPHER S. SVEHLAK, 3547
PETER F. SVOBODA, 2581
DEVIN P. SWALLOW, 7338

MICHAEL W. SWANN, 0726
RUSSELL L. SWART, 4526
BRUCE A. SWAYNE, 7525
BRYAN E. SWECKER, 1906
*JOHN G. SWEENEY, 5212
ROBERT J. SWEET, 7296
RICHARD W. SWEETEN, 5006
VIRGINIA G. SWENTKOFSKE, 3392
JOHN B. SWISHER, 1506
ELIZABETH A. SYDOW, 5850
JEFFREY P. SZCZEPANIK, 4100
STEVEN F. SZEWCZAK, 9494
DENISE M. TABARY, 1883
SCOTT D. TABOR, 2885
BRUCE A. TAGG, 2339
JON T. TANNER, 2329
MOLLY L. TATARKA, 2578
JAMES S. TATE, 0343
KYLE F. TAYLOR, 6214
ROBERT K. TAYLOR, 5737
STEPHEN W. TAYLOR, 7940
STEVEN M. TAYLOR, 4078
TIMOTHY S. TAYLOR, 9110
STEPHANIE M. TEAGUE, 4349
DAVID B. TEAL, 6089
ALVARO L. TEENEY, 8137
RAYMOND J. TEGTMEYER, 9026
KEITH J. TEISTER, 8850
TAMMY R. TENACE, 6256
JOHN M. TENAGLIA, 6477
CURTIS G. TENNEY, 9866
TED M. TENNISON, 2664
MICHAEL J. TERNEUS, 6591
MARK D. TERRY, 0833
ROYCE M. TERRY, 4592
NEAL A. THAGARD, 2257
DOUGLAS G. THAYER, 4604
PAUL T. THEISEN, 9300
SCOTT D. THIELEN, 7272
BEN M. THIELHORN, 3483
JAMES C. THOMAS, 7038
JEFFERY L. THOMAS, 8440
JONATHAN W. THOMAS, 5680
WILLIAM C. THOMAS, 6741
CHARITY J. THOMASOS, 0257
BRADLEY P. THOMPSON, 8543
MICHAEL E. THOMPSON, 6456
ANDREW A. THORBURN, 4536
*RICHARD H. THORNELL, 7528
MICHAEL THORNTON, 7327
SHARON D. THUROW, 0539
KARI A. THYNE, 6945
*PERRY D. TILLMAN, 1101
JEFFREY M. TODD, 9713
STEVEN M. TODD, 6806
PATRICK M. TOM, 1666
KEVIN S. TOMB, 7138
KEVIN C. TOMPKINS, 8937
KEITH R. TONNIES, 1516
TIMOTHY K. TOOMEY, 8621
ALEXANDER V. FR TORRES, 2457
*CARLOS A. TORRES, 7705
ROBERT P. TOTH, 2829
STEPHEN J. TOTH, 4890
SUSAN A. TOUPS, 6442
ADDISON P. TOWER, 5493
JOEL B. TOWER, 7745
NELSON TOY, 8084
REBECCA A. TRACTON, 2896
DEE A. TRACY, 3400
HAI N. TRAN, 5206
GARY S. TRAUTMANN, 6582
SCOTT L. TRAXLER, 5848
TIMOTHY TREFTS, 7387
MARVIN H. TREU, 5678
CHERYL SCHARNELL TROCK, 8939
SANDRA K. TROEBER, 8058
HUGH M. TROUT, 5528
THOMAS J. TRUMBULL II, 2310
KENNETH C. TUCKER, 8691
ZENA A. TUCKER, 8290
*STEPHEN B. TUELLER, 2338
BARBARA A. TUITELE, 1275
KIP B. TURAIN, 6153
JOSEPH J. TURK, JR., 2998
SUSAN L. TURLEY, 0908
BRYAN K. TURNER, 9073
GREGARY S. TURNER, 6874
MICHAEL G. TURTURRO, 6981
LINDA M. TUTKO, 0040
RICHARD L. TUTKO, 0375
JAMES H. TWEET, 0939
SCOTT S. TYLER, 1094
WILLIAM R. TYRA, 3554
CHRISTINE S. UEBEL, 3478
*THOMAS R. UISELT, 4042
JAMES C. ULMAN, 4682
KEVIN R. UMBAUGH, 2427
*MICHAEL UPDIKE, 1646
DANIEL URIBE, 3430
GEORGE A. URIBE, 5076
DAVID J. USELMAN, 9341
AMY L. VAFLOR, 1454
GREG A. VALDEZ, 0487
VICENTE V. VALENTI, 7718
REBECCA M. VALLEJO, 3853
PAUL J. VALLEY, 8025
*BEMMELEN TROY A. VAN, 6434
HOOK RICHARD B. VAN, 4404
*JEFFERY A. VANCE, 7584
ROBERT M. VANCE, 3180
EDWARD J. VANGHEEM, 1096
KERRY VANORDEN, 0222
JOSEPH L. VARUOLO, 9574
CRISTOS VASILAS, 0324
GLENN M. VAUGHAN, 5655
SCOTT E. VAUGHN, 2042
WADE H. VAUGHT, 7198
*RAMON A. VELEZ, 3761
DANGE GERALD J. VEN, 5814
JOHN E. VENABLE, 4866
ANTONIOS G. VENGEL, 3515
DELORIES M. VERRETT, 6807
DAVID F. VICKER, 4396
PAUL E. VIED II, 1466
DARREN R. VIGEN, 8431
SCOTT D. VILTER, 5826
*KEITH E. VINZANT, 3876
DEAN C. VITALE, 2909
LEAMON K. VIVEROS, 8749
KEVIN M. VLCEK, 4613
DAVID A. VOELKER, 6520
CYLYSCE D. VOGELSANGWATSON, 8757
KARL W. VONLUHRTE, 7956
JAY C. VOSS, 9435
SUSAN M. VOSS, 4942
DARLENE E. WADE, 0225
ROBERT L. WADE, JR., 0689
JOHN G. WAGGONER, 4499
GARY F. WAGNER, 0171
JOHN A. WAGNER, 5210
THOMAS E. WAHL, 1673
DUNKIN E. WALKER, 4024
*EVA D. WALKER, 3878
SCOTTY L. WALKER, 7219
THOMAS B. WALKER, JR., 4253
*WESTON H. WALKER, 4533
EUGENE J.J. WALL, JR., 4685
BRIAN T. WALLACE, 7407
RICHARD E. WALLACE, 3461
GERALD W. WALLER, 1118
JASON W. WALLS, 4392
MITCHELL D. WALROD, 6169
*CATHERINE L. WALTER, 0905
KENNETH A. WALTERS, 6885
TODD P. WALTON, 1483
BUI T. WANDS, 0105
BENJAMIN F. WARD, 5843
DALE A. WARD, 2955
KEVIN D. WARD, 5726
WALTER H. WARD, JR., 3530
GEORGE H.V. WARING, 6334
PETER H. WARNER, 9153
RUSSELL M. WARNER, 3805
TIMOTHY S. WARNER, 8642
BRIAN L. WARRICK, 9107
MARY E. WARWICK, 4280
JOHN A. WARZINSKI, 9791
*ANGELA D. WASHINGTON, 0065
HARRY W. WASHINGTON, JR., 2428
JOSEPH M. WASSEL, 9443
KERVIN J. WATERMAN, 7767
LARRY K. WATERS, 6116
JAMES N. WATRY, 4934
LEANNE M. WATRY, 1281
CHRISTINA L. WATSON, 9822
DON R. WATSON, JR., 1703
*JOHN K. WATSON, 1538
NINA A. WATSON, 0492
RICHARD A. WATSON, 5520
ROBERT O. WATT, 7885
MICHAEL K. WEBB, 3991
TIMOTHY S. WEBB, 1517
ERNEST P. WEBER, 3958
ROBERT J. WEBER, 0371
DOROTHY A. WEEKS, 6540
HAL J. WEIDMAN, 7439
JERRY A. WEIHE, 3916
JEFFERY D. WEIR, 5105
*JOHN K. WEIS, 3887
KATHLEEN A. WELCH, 4596
CLAY E. WELLS, 3493
CAROL P. WELSCH, 8459
*ROGER M. WELSH, 7271
NEIL D. WENTZ, 7620
KRISTA K. WENZEL, 5777
ELIZABETH A. WEST, 3437
OTIS K. WEST, 5007
DANIEL H. WESTBROOK, 9448
BEATRIZ WESTMORELAND, 1673
RALPH D. WESTMORELAND, 1929
GREGORY G. WEYDERT, 5574
JEFFERY C. WHARTON, 5579
ROBERT L. WHITAKER, 0253
JEFFREY M. WHITE, 5251
MARK H. WHITE, 0232
MICHAEL I. WHITE, 7649
RANDALL L. WHITE, 1592
TIMOTHY M. WHITE, 2424
MARY M. WHITEHEAD, 3507
RONALD J. WHITTLE, 6148
JAMES D. WHITWORTH, 7528
*WILSON W. WICKISER, JR., 8502
ROBERT WILLIAM WIDO, JR., 6164
JEFFREY L. WIESE, 2753
GLEN M. WIGGY, 3321
HOLLY R. WIGHT, 1294
JOHN L. WILKERSON, 4396
KIRK D. WILLBURGER, 2363
DAVID R. WILLE, 0902
APRIL Y. WILLIAMS, 8829
CARL J. WILLIAMS, 1778
CARY M. WILLIAMS, 4221
DOUGLAS A. WILLIAMS, 3869
GREGORY A. WILLIAMS, 1432
GREGORY S. WILLIAMS, 8513
MICHAEL R. WILLIAMS, 9640
NANCY J. WILLIAMS, 5687
NANCY T. WILLIAMS, 3704
NANETTE M. WILLIAMS, 7460
PATRICK J. WILLIAMS, 9611
PAUL E. WILLIAMS, 3385
PAUL R. WILLIAMS, 7079
THOMAS M. WILLIAMS, 8082
TIMOTHY L. WILLIAMS, 4937
*ANNETTE J. WILLIAMSON, 5595
SHERI L. WILLIAMSON, 7069
ERIC E. WILLINGHAM, 7868
ADAM B. WILLIS, 5348
ANTHONY W. WILLIS, 5830
TRAVIS A. WILLIS, JR., 3605
CHRISTOPHER A.D. WILLISTON, 5388
STEWART S. WILLITS, 6771
CEDRIC N. WILSON, 9790
DARRYL L. WILSON, 5169
DONALD R. WILSON, 8292
DWAYNE L. WILSON, 5446
GREGORY WILSON, 0126
JANET L. WILSON, 6370
JOEL L. WILSON, 1510
KAREN G. WILSON, 8192
KELLY D. WILSON, 9065
MARTY E. WILSON, 2226
TIMOTHY D. WILSON, 9289
VAN A. WIMMER, JR., 1756
MARTIN G. WINKLER, 7129
MARYELLEN M. WINKLER, 7161
MATTHEW R. WINKLER, 4907
BRAD S. WINTERTON, 3858
DUDLEY C. WIREMAN, 5336
DAVID B. WISE, 3623
DOUGLAS P. WISE, 8729
JAMES H. WISE, 3428
COLLEEN M. WISEVANNATTA, 5799
*CHARLES F. WISNIEWSKI, 8885
*BRIAN E. WITHROW, 1555
SCOTT J. WITTE, 7811
JULIE A. WITTKOFF, 3973
JOEL L. WITZEL, 4799
JEFFREY S. WOHLFORD, 9921
*TERRI S. WOMACK, 4559
DEANNA C. WON, 8490
GRAND F. WONG, 6748
*KEVIN K.Y. WONG, 7059
*THERESA G. WOOD, 4027
TIMOTHY S. WOOD, 7899
NEIL E. WOODS, 4017
VINCENT G. WOODS, 3290
LARRY D. WORLEY, JR., 7746
MICHAEL A. WORMLEY, 4375
NORMAN M. WORTHEN, 7091
BARBARA L. WRIGHT, 3499
EDDY R. WRIGHT, 7283
EDWARD K. WRIGHT, JR., 5411
*JOEL C. WRIGHT, 0037
*NATASHA V. WROBEL, 7837
JOHN R. WROCKLOFF, 4115
DANIEL M. WUCHENICH, 7897
CHRISTIE M. WYATT, 8077
MARK P. WYROSDICK, 3238
JULIE ANN WYZYWANY, 4552
JASON R. XIQUES, 4864
JOSEPH M. YANKOVICH, JR., 3982
ANCEL B. YARBROUGH II, 3292
TAMARA YASELSKY, 2497
JEFFREY H.L. YEE, 9753
JEFFREY K. YEVCAK, 1051
BRIAN B. YOO, 8301
JOHN P. YORK, 0946
DAVID A. YOUNG, 0994
JANE C. YOUNG, 8709
RICHARD R. YOUNG, 3858
WILLIAM G. YOUNG, 3042
RAMONA D. YOUNGHANSE, 1120
RITA R. YOUSEF, 3354
LING YUNG, 1881
*WILLIAM Z. ZECK, 6402
GREGORY S ZEHNER, 3513
ELIZABETH A. ZEIGER, 3700
WILLIAM E. ZERKLE, 4593
*STEPHEN T. ZIADIE, 1384
*JAMES D. ZIMMERMAN, 1776
THOMAS ZUPANCICH, 7071
STEVEN R. ZWICKER, 8162

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 624:

To be brigadier general

HARRY B. AXSON, JR., 8396
GUY M. BOURN, 3022
RONALD L. BURGESS, JR., 2986
REMO BUTLER, 3143
WILLIAM B. CALDWELL IV, 8600
RANDAL R. CASTRO, 5962
STEPHEN J. CURRY, 1664
ROBERT L. DECKER, 3601
ANN E. DUNWOODY, 4139
WILLIAM C. FEYK, 7754
LESLIE L. FULLER, 0504
DAVID F. GROSS, 0065
EDWARD M. HARRINGTON, 9537
KEITH M. HUBER, 0101
GALEN B. JACKMAN, 4626
JEROME JOHNSON, 6280
RONALD L. JOHNSON, 8452
JOHN F. KIMMONS, 1861
WILLIAM M. LENAERS, 8865
TIMOTHY D. LIVSEY, 9286
JAMES A. MARKS, 6071
MICHAEL R. MAZZUCCHI, 4315
STANLEY A. MC CHRYSTAL, 3565
DAVID F. MELCHER, 8170
DENNIS C. MORAN, 4584
ROGER NADEAU, 8893
CRAIG A. PETERSON, 3114
JAMES H. PILLSBURY, 8970
GREGORY J. PREMO, 5029
KENNETH J. QUINLAN, JR., 0015
FRED D. ROBINSON, JR., 0142
JAMES E. SIMMONS, 7320
STEPHEN M. SPEAKES, 9036
EDGAR E. STANTON III, 8742
RANDAL M. TIESZEN, 5163
BENNIE E. WILLIAMS, 1311
JOHN A. YINGLING, 0713

HOUSE OF REPRESENTATIVES—*Thursday, June 10, 1999*

The House met at 10 a.m.

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

Let us pray. Of all our prayers that ring with fervor and intensity, our prayers for peace come from the depths of our hearts and souls. O gracious God, from whom all blessings flow, we earnestly pray for peace in our world so that people will live without threats or fear and know the gifts of security and freedom. Our prayers of thanksgiving and appreciation are with all those people who have used their abilities and responsibilities to promote safety and accord. May Your Spirit, O God, encourage us to do the works of reconciliation, for Your Wsord assures us that the peacemaker shall be called blessed. In Your Name we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Florida (Ms. ROS-LEHTINEN) come forward and lead the House in the Pledge of Allegiance.

Ms. ROS-LEHTINEN led the Pledge of Allegiance as follows:

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

REREFERRAL OF H.R. 915, AUTHORIZING COST OF LIVING ADJUSTMENT IN PAY OF ADMINISTRATIVE LAW JUDGES

Mr. BRYANT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from consideration of the bill (H.R. 915) to authorize a cost of living adjustment in the pay of administrative law judges, and that the bill be rereferred to the Committee on Government Reform.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 10 1-minutes on each side.

A COP KILLER FOR COMMENCEMENT

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

Mr. DELAY. Mr. Speaker, Evergreen State College is having a convicted cop killer, Mumia Abu-Jamal, as their commencement speaker this year. This outrage is as sad as it is maddening.

America wonders why there are shootings in schools. Well, irresponsible institutions making celebrities out of killers are part of the problem.

In our mixed-up times, heroes are often made for the wrong reasons. The real hero in this case is the police officer who was shot in the back while doing his duty. Yet the twisted radicals in the ivory tower give the spotlight to his murderer while refusing the officer's widow time to speak.

At this time, Mr. Speaker, I would like to take a moment of silence to protest this outrage to honor Officer Faulkner and to give sympathy to the real hero's wife, Maureen.

KOSOVO POLICY WORKED

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

Mr. KIND. Madam Speaker, we woke up this morning with news reports that the first Serb forces in Kosovo are finally being withdrawn. The policy is working, so let us give credit where credit is due. It was because of the perseverance and unity of all 19 democratic nations of NATO that finally got Milosevic to capitulate and stop the atrocities in Kosovo.

Let us hope we are at the dawn of a new era, of peace in the Balkans, a peace that will see the removal of Milosevic from power, true democratic reforms take place, the eventual inclusion of the Balkan countries in the European Union and perhaps even NATO someday.

A foolish speculation? An idle dream? I do not think so. Who amongst us could have predicted that within 10 short years some of the most repressive communist regimes in Central Europe would today be flourishing democracies, members of the European Union, and even members of NATO itself?

I do believe that the historical trends sweeping across Europe today are on our side in this endeavor. Now comes the difficult task of enforcing the peace. My thoughts and prayers are with our young men and women in American uniform who are being called upon once again in the 20th century to restore the peace and humanity on the Statement of Europe.

SALUTE TO MARK MARSHALL, CARSON CITY SHERIFF'S DEPARTMENT

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

Mr. GIBBONS. Madam Speaker, as Congress prepares to debate the juvenile crime legislation next week, I would like to highlight the extraordinary efforts of an individual in the State of Nevada.

Mark Marshall, of the Carson City Sheriff's Department, was honored this week by the Carson City International Rotary Club as Law Enforcement Officer of the year because he established a proactive campaign of gang suppression for the city and the Sheriff's Department. These results have been recognized nationwide and have greatly benefited the troubled youths in the area.

As a Vietnam veteran, he courageously served his country overseas and now serves the people back home in the State of Nevada. In an era where brainstorming runs rampant on how to curb gang violence, Mark has stepped to the forefront to take on this difficult task.

His nearly 15 years of service to the people of Carson City has earned him this prestigious award. Along with his colleagues and the public he serves, I extend my best wishes and congratulations to this fine peace officer, his wife, Jennifer, and their two daughters, Elizabeth and Sarah.

Mark, we are all proud of your accomplishments.

KOSOVO PEACE AGREEMENT IS FRAGILE

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

Mr. TRAFICANT. Madam Speaker, I hope for the best, but this peace agreement seems very fragile. After rape, murder, and genocide, no simple piece of paper will stop the war in Yugoslavia.

Ethnic Albanians did not fight and die for autonomy or self-rule. Neither

did George Washington, Congress. But, for sure, ethnic Albanians did not die for the right to live in a suburb of Belgrade.

Congress was warned in 1986 that without freedom for Kosovo, there will be no long-lasting peace in the region. I say, ''Free Kosovo, protect a sovereign border, or there will be no long-lasting peace.''

SALUTE TO CUBAN PATRIOTS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Madam Speaker, this past Monday scores of Cuban dissidents began a hunger strike in Havana to protest the 40 years of oppression that their countrymen have been subjected to under the tyrannical rule of Fidel Castro.

Dr. Oscar Elias Biscet, one of the organizers of this public protest has said that the goal of the hunger strikers is to draw attention to the numerous violations of human rights in Cuba and to ask for freedom for all of the political prisoners.

Their courageous defiance of the Cuban tyrant is heroic, and once again attracts worldwide attention to Castro's deplorable human rights record.

Because we pride ourselves in being the land of the free and the home of the brave, we must applaud the efforts of these patriots who are peacefully trying to bring liberty to their enslaved homeland.

I ask my colleagues in Congress to send the opposition inside of Cuba the clear message that we stand in solidarity with them and that we will do our part to help bring freedom and democracy to the 11 million presently shackled in the island nation.

SUCCESSFUL TEST FOR THAAD

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

Mr. REYES. Madam Speaker, at 7:20 a.m. this morning THAAD intercepted a Hera target at the White Sands Missile Range, New Mexico. Like a bullet hitting a bullet, the THAAD missile had a direct hit on the target.

Although there have been difficulties along the way for this program, the THAAD team has accomplished one of the most technologically challenging feats ever attempted. Significantly, this morning's test is the first time that THAAD has been able to make it to the end game, and I want to stress that it worked, the technology works.

Previous tests were plagued with low-tech failures that did not allow the THAAD missile to reach the end game to attempt the intercept. In conjunction with the PAC III that hit on March 15, this proves that hit-to-kill technology can work.

We must remain mindful, however, that THAAD and other missile defense systems are still at the R&D stage. There still could be more failures. But we must remain supportive of these systems.

I want to congratulate the United States Army, especially the soldiers at Fort Bliss in White Sands, and all of the employees at White Sands Missile Range. I also want to congratulate the Ballistic Missile Defense Organization and THAAD contractors for this great success.

Madam Speaker, this is an important and momentous day for national missile defense but, ultimately, for the defense of our troops in deployed areas throughout the world.

SUPPORT FOR EFFORTS OF CUBAN INTERNAL OPPOSITION

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

Mr. DIAZ-BALART. Madam Speaker, a message to Dr. Oscar Elias Biscet, Dr. Leonel Morejon Almagro, William Herrera Diaz, Marco Lazaro Torres, and Rolando Munoz, and the scores of others who have joined throughout the island of Cuba 3 days ago in protest to reject the violation of human rights and demand democracy for the Cuban people:

We are with you. We will continue with you. You have our support, our solidarity, like all of the heroic political prisoners in Cuba; such as Vladimiro Roca, Marta Beatriz Roque, Feliz Bonne, Rene Gomez Manzano, Jorge Luis Garcia Perez Antunez, Maritza Lugo, Rafael Ybarra Roque, and the thousands of others.

And, Madam Speaker, I am still waiting to see the first time when someone in this body who advocates trade and tourism for Castro comes down here and advocates freedom for the thousands of Cuban political prisoners.

CONGRATULATIONS ON VICTORY IN KOSOVO

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, God bless our United States troops and God bless them for the victory that we have obtained in the conflict in Kosovo.

When I went to the Macedonian refugee camps just a couple of weeks ago, every man, woman and child, every elderly person pleaded with me, let us go back home.

And although we must be cautious now that Serbian troops are on their way out, now we will have, with our NATO allies, peacekeeping troops. Congratulations Mr. Clinton. There is no shame in acknowledging when the United States is unified we can do good for the world.

Congratulations to Sandy Berger. It is time now for us to stand united in an effort to make sure that peace maintains and the Kosovo refugees go back.

Finally, Madam Speaker, I will introduce today the Legal Amnesty Restoration Act of 1999, because we have 350,000 refugees in the United States who have not been able to apply for their citizenship; people from all over the world, taxpaying people who have been able to provide for this Nation. It is a shame and a travesty. I hope my colleagues will vote for the Legal Amnesty Restoration Act of 1999.

CHILD SURVIVAL

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

Mr. PITTS. Madam Speaker, around the world today there are daughters and sons of many nations whose lives are at stake. Why? In large part because our Nation has sought to impose our own population control ideas on other countries whose most pressing needs are for basic nutrition and health care.

□ 1015

Children in these countries are dying. Yet, an increased push for population control has come at the expense of saving the lives of little children.

A Kenyan doctor makes this point, and I quote. He says, ''Our health sector is collapsed. Thousands of Kenyan people will die of malaria whose treatment costs a few cents in health facilities, whose stores are stacked to the roof with millions of dollars' worth of pills, IUDs, Norplant, Depo-provera, most of which are supplied with American tax money.''

When a mother brought a child with pneumonia to this doctor, he had no penicillin to give the child. All he had were cases upon cases of contraceptives.

Madam Speaker, let us respond to the true health needs of these people, the needs of life and death. Join in transferring at least a portion of the population control funds to what we know works, child survival. Join in cosponsoring the Save the Children Act.

MONEY TALKS ON CAPITOL HILL

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

Mr. MEEHAN. Madam Speaker, there is no doubt about it, money talks on Capitol Hill. And for the Republican leadership, no money talks louder than gun money.

The National Rifle Association has been the largest political donor to Members of Congress throughout the decade. In fact, the NRA soft money contributions to the Republican Party grew exponentially when the Republicans took over the House in 1994.

So it should come as a surprise to absolutely no one that the Republican leadership turned to the NRA to write their so-called ''gun control'' legislation, a proposal that is rife with loopholes.

The truth of the matter is that big money talks louder than kids' lives on Capitol Hill. Enormous soft money contributions have blinded the Republican leadership to 13 children who die every day in America in gun-related violence.

Let us stop the madness. Let us start saving our children's lives by passing real gun control legislation, and let us pass campaign finance reform to cut the ties between gun money and Congress once and for all.

AMERICANS WANT REAL PROBLEMS ATTACKED IN CONGRESS, NOT BOGUS ISSUES

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

Mr. BARR of Georgia. Madam Speaker, we can hear it already. It is, bash the special interest groups, bash the grass-roots organizations out there, and avoid the real issue.

Unfortunately for the other side, and fortunately for real America out there, the American people know otherwise. The other side, in support of their gun control antics, frequently throw poll numbers around. Well, they do not tell, as usual, the rest of the story.

For example, the CNN–USA Today poll recently found that only 4 percent of Americans believe that guns were to blame for the tragic shooting at Columbine High School. By contrast, that same poll found, and these folks over here will never tell us that, that nearly 60 percent of the American people put the blame on family breakdown, mental problems, and lack of morals, not on guns.

That is what we ought to be addressing. That is what we are not addressing.

Big-city mayors are in there with them. They are saying, let us go after firearms manufacturers and put thousands of people out of jobs. That will solve the problems in our society. Wrong again. And the American people know it is wrong. They will not support that sort of big government, big litigation.

What they support are the honest proposals that will be before this House, hopefully will be before this House, to attack the real problems, not the bogus issues that we just heard from the other side.

LET US KEEP GUNS OUT OF HANDS OF CHILDREN

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

Mr. ROTHMAN. Madam Speaker, I am a Democrat who believes in the Second Amendment right to bear arms, but a Democrat who believes that we need gun control to keep guns out of the hands of our children.

There are plenty of causes of the violence in Littleton and in Georgia: parental neglect, teacher neglect, those young people who fired those weapons and committed those crimes, violence, sadistic and cruel videos and movies, and video games. But the number one culprit is the guns that the kids use to kill the other kids.

Some people say we cannot do two things at once in America, we cannot enjoy the right to bear arms and go hunting and use our guns lawfully and at the same time enact laws to keep guns out of the hands of 12- and 14-year-olds.

They are wrong. They underestimate the intelligence and ability of Americans to do two important things at once, recognize our right to bear arms, but protect our children.

The Republican leadership must stop its efforts to water down and delay reasonable, common-sense gun control that keeps guns out of the hands of our children.

I urge my Republican colleagues to get their leadership to allow reasonable, common-sense gun control to be passed in this House.

FISH AND WILDLIFE MITIGATING ONGOING SAFETY PROGRAMS REQUIRED BY FAA

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

Mr. CALVERT. Madam Speaker, on May 26, 1999, the City Manager of Corona testified that the City of Corona has been forced by the Fish and Wildlife Service to buy new land for mitigation in order to maintain and operate existing levees, flood control, streets, parks, and airport protection zones, which means clearing out trees in front of the runway that have been there for over 30 years and continually maintained.

That is right, Madam Speaker, Fish and Wildlife wants to mitigate for ongoing safety programs required by the FAA.

All of the mitigation required by Fish and Wildlife on this project were for existing projects, not for new ones. However, Fish and Wildlife Director Jamie Clark stated in that same hearing that requiring retroactive mitigation is not allowed.

Today I will introduce legislation that would prohibit retroactive mitigation for impacts that have occurred in the past. This is just common-sense legislation.

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. Madam Speaker, 2 weeks ago the other body passed a modest gun safety package to keep guns out of the hands of kids and of criminals. They did the right thing. Now it is our turn to do the right thing.

But instead of doing the right thing, the Republican leadership in this House is playing games with gun safety. We now have a gun safety bill that has been written by the National Rifle Association. Instead of closing the gun show loophole to allow criminal background checks at gun shows, the NRA opens that loophole wider.

Background checks work. I would refer my colleagues to a study released in this morning's USA Today that says, ''The instant background check might be the most effective piece of gun legislation ever.''

The NRA says that we do not need new gun safety to protect kids and that the Justice Department has failed to do its job. Wrong again. This new study shows that gun laws are enforced more vigorously today than 5 years ago, prosecutions are up, and crime is down.

Gun legislation we passed in 1994 is working. We did the right thing then. Let us do the right thing now for our children and for families in this country.

CHINO BASIN DAIRIES

(Mr. GARY MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. GARY MILLER of California. Madam Speaker, I would like to commend the House for passing H.R. 1906, the Fiscal Year 2000 Agriculture Appropriations bill.

One of the bill's provision contains an earmark of $99 million for watershed and flood prevention operations. This is highly important to the dairy producers of my district, primarily located in Chino and Ontario, California.

As a result of the up-slope urbanization, the Chino Basin dairies, which are comprised of 270 dairies and 350 cows, have experienced increased flooding. This flooding washes manure and other water into the Santa Ana River, which is the source of drinking water downstream for 2½ million people.

Report language contained in H.R. 1906 identifies the Chino dairy preserves as an important project. Madam Speaker, this is one of the many steps which I hope the House will continue to take in resolving this tremendous problem.

COX REPORT PUTS BOMBSHELLS ON PUBLIC RECORD

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

Mr. BARTLETT of Maryland. Madam Speaker, the recent release of the Cox report on the Chinese espionage at our nuclear laboratories has put on the public record a number of bombshells.

The crown jewel of our nuclear arsenal, design of the W–88 warhead, has been stolen by the Chinese Communists. Even more amazing is that nothing was done about it after it was discovered in 1995.

Chinese Communist penetration of our nuclear secrets is almost total.

The response from the White House? ''Everybody does it'' and ''Let's not overreact.''

I can hardly imagine how one could possibly say, ''Let's not overreact.'' What could possibly be worse than losing the single most valuable nuclear secret we have? And as for the everybody-does-it defense when confronted by scandal, the charge is false. It is a lie.

President Ronald Reagan did not arm China with our best military technology, and President Reagan did not silence anyone inside the executive branch who dared challenge this policy. But this is exactly what has happened during this administration.

DEMOCRATS PROPOSE TO RAISE OUR TAXES, LOWER OUR DEFENSES

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

Mr. SCHAFFER. Madam Speaker, raise our taxes and lower our defenses. That is what the top Democrat in the House just proposed the other day.

What must other Democrats be saying privately about the statement made by the gentleman from Missouri (Mr. RICHARD GEPHARDT), the minority leader, about his desire to cut defenses and raise taxes?

Most of them quietly agree with the Democrat leader, but they also know that politically it would be difficult to express out loud their belief that taxes are not high enough, that middle-class families should endure the tax-and-spend policies of liberal Democrats.

Perhaps they are applauding their leader's courage for standing up for what they believe, a smaller defense and greater taxes. But it seems many of them are also nervous.

What if Americans learn that Democrats still stand for the 1960's style liberalism of even bigger government, ever higher taxes, and less freedom for individuals?

This is a truly fascinating case in American politics today. Right now in Congress, Democrats stand in the way of a Republican tax cut. And now Democrats have made public their plans to lower our defenses and raise our taxes.

KOLBE-STENHOLM SOCIAL SECURITY PLAN ON WOMEN

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

Mr. KOLBE. Madam Speaker, my colleague the gentleman from Texas (Mr. CHARLIE STENHOLM) and I have introduced a comprehensive Social Security reform legislation, H.R. 1793, and I want to talk today about some of the provisions that are in this bill. Today, I want to concentrate on those dealing with women.

Our bill contains a minimum benefit provision that would provide a more robust benefit than afforded by the current system. For an individual who works 40 years, we guarantee them a Social Security benefit equal to 100 percent of the poverty level. And as a result of that provision alone, 50 percent of women will get more retirement benefits under the Kolbe-Stenholm plan than under current law.

Our plan also allows workers to contribute an additional $2,000 per year into their personal account. Women expected to take time off to raise children can make voluntary contributions both before and after their hiatus to catch up. For women who earn less than $30,000, the Kolbe-Stenholm plan provides a savings subsidy for up to $600 per year.

One of the reasons our bill is better for women is the changing nature of divorce. Not only has the divorce rate skyrocketed, but marriages are not lasting as long and more and more women are not remarrying. Consequently, more and more women are heading into retirement alone without the benefit of a spouse's Social Security income.

As more women are raising children alone, working in lower-paying jobs, or not remarrying after divorce, the minimum benefit provision, the ability to catch up for lost years and the savings subsidy will do more to lift those women out of poverty.

NATO HAS PREVAILED

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

Mr. MORAN of Virginia. Madam Speaker, let me just say a word about what is happening in another part of the world. We are achieving at least a temporary peace in the Balkans. Hopefully, it will be a sustained peace.

NATO and the United States have prevailed. They have been resolute, they have been strong, and in fact, they have been successful.

There has only been begrudging admission that it has been a successful policy. But when we consider the fact that we have not lost one pilot to enemy fire, we did not have to send in troops, and yet NATO has now prevailed. And it is clear now that NATO is resolute, it is stronger, and in fact it can control what happens in Europe, particularly the volatile region of Eastern Europe, into a much greater conflagration that might otherwise have expected that we would have been responsible for ultimately getting under control had not NATO been able to pull together 19 nations and pursue a coordinated, resolute policy.

This is terribly important for the long-term security of the United States. The President, the Secretary of State, General Clark and NATO, deserve a great deal of credit for their principled and resolute leadership.

PERMITTING USE OF CAPITOL ROTUNDA FOR PRESENTATION OF CONGRESSIONAL GOLD MEDAL TO ROSA PARKS

Mr. WATTS of Oklahoma. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 127) permitting the use of the rotunda of the Capitol for a ceremony to present a Gold Medal on behalf of Congress to Rosa Parks, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

□ 1030

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

Mr. FATTAH. Mr. Speaker, reserving the right to object, while I am not planning to object, I just want to concur that those of us on this side of the aisle join with the gentleman from Oklahoma in support of this resolution.

I yield to the gentleman from Oklahoma (Mr. WATTS) for purposes of explaining the resolution.

Mr. WATTS of Oklahoma. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding.

First I would like to thank the gentlewoman from Indiana (Ms. CARSON) for introducing the resolution to award Mrs. Parks the Congressional Gold Medal of Honor. With such leadership Americans will never forget where we came from and never lose sight of where we must go.

Mr. Speaker, I rise to support honoring Mrs. Rosa Parks in the Capitol Rotunda under the dome of the People's House with the Gold Medal of Honor. What could be more appropriate than for Mrs. Parks to receive the Congressional Gold Medal of Honor in the Capitol Rotunda, the structure that

unites the House and Senate, a symbol of a government of the people, by the people and for the people. Our majestic Rotunda is the world's emblem of democracy and freedom. Mrs. Parks stood in the face of segregation and started a movement that united a Nation. How appropriate for us to honor her where we come together as Members and where we come together as Americans.

Over 40 years ago, Mrs. Parks united the races on a bus in Montgomery, Alabama, and how appropriate for us to honor her in our country's most enduring symbol of unity, the Capitol Rotunda.

Mr. FATTAH. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Maryland (Mr. HOYER), the ranking member of the Committee on House Administration.

Mr. HOYER. Mr. Speaker, I thank the distinguished gentleman from Pennsylvania (Mr. FATTAH) for yielding, and I join the gentleman from Oklahoma (Mr. WATTS).

I do not know how many Americans have seen Rosa Parks. Rosa Parks is a woman small in stature. But that belies the fact that she was a giant in her courage and in her commitment and in the impact she made on America, not just on African Americans, though an impact she had on their lives and the respect accorded to them, but on the lives of every American who live today in a better country, more conscious of our need to give to each individual within our country the respect that they are due as human beings and children of God.

Rosa Parks, Mr. Speaker, is a giant in the history of America. On December 1st, 1955, Rosa Parks looked up from her seat and said, ''No, I will not give you my seat. I was here first. I'm an American citizen. I paid my fare. And I ought to be able to sit on this seat.'' Mr. Speaker, she was absolutely correct. But as Martin Luther King observed some 8 years later, in August of 1963, America had yet to live out the reality of the promises made in our Declaration of Independence and in our Constitution, that Rosa Parks, like the gentlewoman from Missouri (Mrs. EMERSON), was endowed not by government but by her Creator with certain unalienable rights, and among these were life, liberty, and the pursuit of happiness. And our Constitution said, particularly in the 14th amendment and the 15th amendment, that color would not dictate lesser Americans.

Rosa Parks is a giant, and I am pleased, Mr. Speaker, to join the gentleman from Pennsylvania and the gentleman from Oklahoma in setting aside, as the gentleman from Oklahoma so ably articulated, the Rotunda, a revered spot not only in this country but around the world, to honor Rosa Parks, to say to her, ''Thank you. Thank you for helping America be a better country.''

Mr. FATTAH. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I want to compliment the gentleman from Oklahoma (Mr. WATTS) and the gentleman from Pennsylvania (Mr. FATTAH). I want to give a special commendation to the gentlewoman from Indiana (Ms. CARSON) who works hard and did a great job on this issue. I would just like to say that when Rosa Parks sat down on that bus, she stood up for all Americans, not just black Americans. I, too, am honored to be here today.

Mr. FATTAH. Mr. Speaker, further reserving the right to object, let me just also add my voice.

I had the opportunity to meet Rosa Parks when she came to Philadelphia and visited with a group of young people at the Liberty Bell in Philadelphia. Observing the crack, she had a fairly profound statement to make about the fact that there was still some need for healing in our own country about issues related to civil rights, but that her work and her life and her legacy had played just a small part. It really was the support and the prayers of millions and millions of Americans of different ethnic backgrounds who supported the efforts of the civil rights movement which really started with her decision not to relinquish her seat.

From time to time I know we have broad disagreements around here, but it is refreshing to see that in a bipartisan way we could come together. I am pleased to join with my colleague and my friend from Oklahoma as we move now to make the rotund available. Some are honored by having this type of honor bestowed upon them. Today I think the Congress is honored by having an American of Rosa Parks' stature to be able to honor.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 127

Resolved by the House of Representatives (the Senate concurring), That the rotunda of the Capitol is authorized to be used on June 15, 1999, for a ceremony to present a gold medal on behalf of Congress to Rosa Parks. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

The SPEAKER pro tempore. Pursuant to House Resolution 200 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. 1401.

□ 1037

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. 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, and for other purposes, with Mrs. EMERSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, June 9, 1999, amendment No. 14 printed in part A of House Report 106–175 by the gentlewoman from California (Ms. SANCHEZ) and offered by the gentlewoman from Florida (Mrs. MEEK) as her designee had been disposed of.

It is now in order to consider amendment No. 15 printed in House Report 106–175.

AMENDMENT NO. 15 OFFERED BY MR. BUYER

Mr. BUYER. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 15 offered by Mr. BUYER:

Page 207, after line 5, add the following new subtitle (and redesignate the succeeding subtitle accordingly):

Subtitle F—Eligibility to Participate in the Thrift Savings Plan

SEC. 661. AUTHORITY FOR MEMBERS OF THE UNIFORMED SERVICES TO CONTRIBUTE TO THE THRIFT SAVINGS FUND.

(a) AUTHORITY FOR MEMBERS OF THE UNIFORMED SERVICES TO CONTRIBUTE TO THE THRIFT SAVINGS FUND.—(1) Subchapter III of chapter 84 of title 5, United States Code, is amended by adding at the end the following:

''§ 8440e. Members of the uniformed services

''(a)(1) A member of the uniformed services performing active service may elect to contribute to the Thrift Savings Fund—

''(A) a portion of such individual's basic pay; or

''(B) a portion of any special or incentive pay payable to such individual under chapter 5 of title 37.

Any contribution under subparagraph (B) shall be made by direct transfer to the Thrift Savings Fund by the Secretary concerned.

''(2)(A) Except as provided in subparagraph (B), an election under paragraph (1) may be made only during a period provided under section 8432(b), subject to the same conditions as prescribed under paragraph (2)(A)–(D) thereof.

''(B)(i) Notwithstanding subparagraph (A), a member of the uniformed services performing active service on the effective date of this section may make the first such election during the 60–day period beginning on such effective date.

''(ii) An election made under this subparagraph shall take effect on the first day of the first applicable pay period beginning after the close of the 60–day period referred to in clause (i).

''(b)(1) Except as otherwise provided in this subsection, the provisions of this subchapter and subchapter VII shall apply with respect to members of the uniformed services making contributions to the Thrift Savings Fund.

''(2)(A) The amount contributed by a member of the uniformed services under subsection (a)(1)(A) for any pay period shall not exceed 5 percent of such member's basic pay for such pay period.

''(B) Nothing in this section or section 211 of title 37 shall be considered to waive any dollar limitation under the Internal Revenue Code of 1986 which otherwise applies with respect to the Thrift Savings Fund.

''(3) No contributions under section 8432(c) shall be made for the benefit of a member of the uniformed services making contributions to the Thrift Savings Fund under subsection (a).

''(4) In applying section 8433 to a member of the uniformed services who has an account balance in the Thrift Savings Fund, the reference in subsection (g)(1) or (h)(3) of section 8433 to contributions made under section 8432(a) shall be considered a reference to contributions made under any of sections 8351, 8432(a), 8432b(b), or 8440a–8440e.

''(c) For purposes of this section—

''(1) the term 'basic pay' has the meaning given such term by section 204 of title 37;

''(2) the term 'active service' means—

''(A) active duty for a period of more than 30 days, as defined by section 101(d)(2) of title 10; and

''(B) full-time National Guard duty, as defined by section 101(d)(5) of title 10;

''(3) the term 'Secretary concerned' has the meaning given such term by section 101 of title 37; and

''(4) any reference to 'separation from Government employment' shall be considered a reference to a release from active duty (not followed by a resumption of active duty, or an appointment to a position covered by chapter 83 or 84 of title 5 or an equivalent retirement system, as identified by the Executive Director in regulations) before the end of the 31-day period beginning on the day following the date of separation), a transfer to inactive status, or a transfer to a retired list pursuant to any provision of title 10.''.

(2) The table of sections at the beginning of chapter 84 of title 5, United States Code, is amended by adding after the item relating to section 8440d the following:

''8440e. Members of the uniformed services.''.

(b) AMENDMENTS RELATING TO THE EMPLOYEE THRIFT ADVISORY COUNCIL.—Section 8473 of title 5, United States Code, is amended—

(1) in subsections (a) and (b) by striking ''14 members'' and inserting ''15 members''; and

(2) in subsection (b) by striking ''and'' at the end of paragraph (8), by striking the period at the end of paragraph (9) and inserting ''; and'', and by adding at the end the following:

''(10) 1 shall be appointed to represent participants who are members of the uniformed services (within the meaning of section 8440e).''.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Paragraph (11) of section 8351(b) of title 5, United States Code, is amended by redesignating such paragraph as paragraph (8).

(2) Subparagraph (B) of section 8432b(b)(2) of title 5, United States Code, is amended by striking ''section 8432(a)'' and inserting ''sections 8432(a) and 8440e, respectively,''.

(3)(A) Section 8439(a)(1) of title 5, United States Code, is amended—

(i) by inserting ''or 8432b(d)'' after ''8432(c)(1)''; and

(ii) by striking ''8351'' and inserting ''8351, 8432b(b), or 8440a–8440e''.

(B) Section 8439(a)(2)(A)(i) of title 5, United States Code, is amended by striking ''8432(a) or 8351'' and inserting ''8351, 8432(a), 8432b(b), or 8440a–8440e''.

(C) Section 8439(a)(2)(A)(ii) of title 5, United States Code, is amended by striking ''title;'' and inserting ''title (including subsection (c) or (d) of section 8432b);''.

(D) Section 8439(a)(2)(A) of title 5, United States Code, is amended by striking ''and'' at the end of clause (ii), by striking '', over'' at the end of clause (iii) and inserting ''; and'', and by adding after clause (iii) the following:

''(iv) any other amounts paid, allocated, or otherwise credited to such individual's account, over''.

SEC. 662. CONTRIBUTIONS TO THRIFT SAVINGS FUND.

(a) IN GENERAL.—(1) Chapter 3 of title 37, United States Code, is amended by adding at the end the following:

''§ 211. Contributions to Thrift Savings Fund

''A member of the uniformed services who is performing active service may elect to contribute, in accordance with section 8440e of title 5, a portion of the basic pay of the member for that service (or of any special or incentive pay under chapter 5 of this title which relates to that service) to the Thrift Savings Fund established by section 8437 of title 5.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

''211. Contributions to Thrift Savings Fund.''.

SEC. 663. REGULATIONS.

Not later than 180 days after the date of the enactment of this Act, the Executive Director (appointed by the Federal Retirement Thrift Investment Board) shall issue regulations to implement sections 8351 and 8440e of title 5, United States Code (as amended by section 661) and section 211 of title 37, United States Code (as amended by section 662).

SEC. 664. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this section, the amendments made by this subtitle shall take effect one year after the date of the enactment of this Act, or on July 1, 2000, whichever is later.

(b) EXCEPTION.—Nothing in this subtitle (or any amendment made by this subtitle) shall be considered to permit the making of any contributions under section 8440e(a)(1)(B) of title 5, United States Code (as amended by section 661), before December 1, 2000.

(c) EFFECTIVENESS CONTINGENT ON OFFSETTING LEGISLATION.—(1) This subtitle shall be effective only if—

(A) the President, in the budget of the President for fiscal year 2001, proposes legislation which if enacted would be qualifying offsetting legislation; and

(B) there is enacted during the second session of the 106th Congress qualifying offsetting legislation.

(2) If the conditions in paragraph (1) are met, then, this section shall take effect on the date on which qualifying offsetting legislation is enacted or, if later, the effective date determined under subsection (a).

(3) For purposes of this subsection:

(A) The term ''qualifying offsetting legislation'' means legislation (other than an appropriations Act) that includes provisions that—

(i) offset fully the increased outlays for each of fiscal years 2000 through 2009 to be made by reason of the amendments made by this subtitle;

(ii) expressly state that they are enacted for the purpose of the offset described in clause (i); and

(iii) are included in full on the PayGo scorecard.

(B) The term ''PayGo scorecard'' means the estimates that are made with respect to fiscal years through fiscal year 2009 by the Director of the Congressional Budget Office and the Director of the Office of Management and Budget under section 252(d) of the Balanced Budget and Emergency Deficit Control Act of 1985.

The CHAIRMAN pro tempore. Pursuant to House Resolution 200, the gentleman from Indiana (Mr. BUYER) and a Member opposed will each control 10 minutes.

Does the gentleman from Hawaii (Mr. ABERCROMBIE) oppose the amendment?

Mr. ABERCROMBIE. Madam Chairman, I do not oppose the amendment, and I ask unanimous consent that in the absence of opposition that I be allowed to control the time otherwise reserved for the opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Indiana (Mr. BUYER).

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

The Subcommittee on Military Personnel has been striving to find the right combination of incentives to address the negative recruiting and retention trends that threaten the readiness of our military forces. That is the purpose of the Buyer-Abercrombie amendment, to offer a military thrift savings plan.

On the retention front, all services have incurred unsustainable losses among pockets of highly qualified experienced personnel, including aviators and many high tech skills. The most severe retention problems are in the Navy and the Air Force where officers, noncommissioned officers and enlisted members across the force are leaving at rates that threaten the future viability of those services.

On the recruiting front, three of the services, beginning with the Army, then the Navy and finally the Air Force, have been struggling to meet production goals for new recruits. In addition, some sources of officer commissions, specifically Army and Air Force senior reserve officer training programs, are failing to produce the required number of new officers.

As a result of the continuing recruiting shortfalls and reduced retention,

senior military leaders find themselves compelled to deploy forces to crises and contingencies at manning levels well below the 100 percent or better standard that heretofore has been their goal. With reduced manning levels among the deployed forces, senior leaders are reluctantly accepting higher operational risks, reduced readiness and increased stress on both deployed and nondeployed forces.

The Subcommittee on Military Personnel conducted a number of hearings on recruiting and retention this spring. Although we learned that recruiting and retention are complex problems for which there are no simple solutions, a consistent theme among the military was a strong interest in participating in a tax deferred savings plan like the Federal Government's thrift savings plan. Today's military members like many in our society want to have control over their own retirement. They understand the value of saving and they want the benefits of tax deferred savings enjoyed by 45 million Americans participating in over 600,000 defined contribution retirement plans like the Federal Government's own TSP. While H.R. 1401 contains many compensation and policy initiatives to combat recruiting and retention problems, the one key piece that is not included at this point is the thrift savings plan. There is no doubt that the ability to participate in a thrift savings program will be a powerful tool in our fight to stabilize recruiting and retention programs.

The amendment being offered jointly by myself and the gentleman from Hawaii, the ranking member of the Subcommittee on Military Personnel, is a bare bones thrift savings program modeled after the savings program the Congress granted 965,000 Federal employees who qualify for a pension under the Civil Service Retirement System. The plan includes a maximum payroll contribution of 5 percent of basic pay with no government matching or automatic payments. We would add the ability to make contributions from special and incentive pays. But the participants would not be authorized to exceed contribution limits established by the tax code.

There is lost revenue associated with the deferral of taxes on the contributions and earnings. We did not include the TSP in the bill because we were still working on alternatives for addressing the direct spending question. The Joint Committee on Taxation estimates the direct spending incurred with this provision to be $11 million in fiscal year 2000 and $993 million through fiscal year 2009. This amendment addresses this pay-go requirement by making the provision contingent upon the President submitting and the Congress enacting qualified offsetting legislation during the consideration of the fiscal year 2000 budget request.

I would like to compliment publicly the working relationship I have had with the gentleman from Hawaii (Mr. ABERCROMBIE). It has been a true pleasure in working to address our recruiting, our retention and the retirement concerns affecting the Nation's military.

Madam Chairman, a vote for this amendment is a vote for the people who serve this Nation in uniform. A vote for this amendment is a vote for military readiness. It is a vote for military retention. I urge my colleagues to support a military thrift savings plan.

Madam Chairman, I reserve the balance of my time.

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

I rise today in strong support of what the gentleman from Indiana (Mr. BUYER) has correctly characterized as a bipartisan amendment. I would think that we might even say that it is a nonpartisan amendment, to offer the thrift savings plan to our dedicated service members. As the senior Democrat on the Subcommittee on Military Personnel, I am extremely proud of the compensation package that we have put in this bill to help military personnel. This package addressed pay and retirement, as the gentleman from Indiana indicated, in a comprehensive fashion. May I add parenthetically, Madam Chairman, that I give full credit to the gentleman from Indiana for the really fabulous job that he, the staff and the other Members did with respect to making this truly comprehensive and far reaching.

□ 1045

We were unable to include, as he indicated, a provision that we both viewed as critical not only to the military, but to the economic security of this Nation, the Thrift Savings Plan.

We have the lowest personal savings rate since 1950. Over the past year, the personal savings rate, the amount of savings divided by disposable income expressed as a percentage in this country, has been less than 1 percent. The savings rate in the country is important because it represents the resources that can be used to create, sustain or expand the Nation's capital. Savings represent the potential for long-term future growth and increase the national standard of living, and we want our military to be able to participate in it.

As a Nation, we should encourage all people to save, and, as an employer, the government is remiss if we do not offer that same opportunity to the military. Service members should be extended the same benefits as other Federal employees.

Madam Chairman, as my colleagues know, we, as Members of Congress, are permitted to participate in the Thrift Savings Plan, and we think that, at a minimum, equity requires us to open up this process to members of the United States military. There are currently 1.4 million employees who do not have the employer-sponsored savings plan; that is the military. The military is the largest employer that does not offer a 401(k) plan. We do offer the benefit to Federal civilians, as I indicated, of the Thrift Savings Plan.

Extending this plan to the military will have a salutary effect on the economy. Participation in the Thrift Savings Plan is 86.1 percent of the FERS employees and 61.2 percent of the CRS employees. If only 61.2 percent of the people in the military were to participate, there would be 848,000 participants. This amounts to a total contribution of additional savings of almost $1 billion over a 10-year period.

It is past overdue then for us to extend this benefit to the military and allow them the benefit from and contribute to the growth of the economy.

So I urge all my colleagues to support this amendment and reiterate, if I might, in this closing portion of these remarks that this is the product, this amendment is the product of a work effort which has characterized the Subcommittee on Military Personnel of the Committee on Armed Services from the beginning under the leadership of the gentleman from Indiana (Mr. BUYER) which was one of encouragement and cooperation not only extended to all Members, but extended to all members of the armed services who were invited to participate in our deliberations, and credit for that goes to the leadership of Mr. BUYER.

Madam Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. MALONEY) to speak on the amendment.

Mr. MALONEY of Connecticut. Madam Chairman, I rise to speak in support of this amendment and would like to start by commending the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Indiana (Mr. BUYER) for proposing this amendment to provide the men and women of our military with an employer-sponsored 401(k)-style retirement plan. Indeed, as the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Indiana (Mr. BUYER) have both said, the underlying bill makes major steps in regard to compensation and retirement; and I have heard already from people in the armed services and former members of the armed services their gratitude for the work that the subcommittee and the committee have done in regard to this matter.

This amendment, however, makes a good bill even better. This is a no-frills proposal that will allow military personnel to direct up to 5 percent of their own income, their money, into tax-deferred investment accounts without any direct expense to the Federal budget. Private citizens, Federal employees

and Members of Congress currently enjoy this opportunity, and we should offer it to the dedicated personnel of our armed services.

Indeed, many young men and women in the military have urged me to support this Thrift Savings Plan proposal as a means for them to start a portable savings plan for their retirement. At a time when the military is competing with a very strong economy and a private sector that is hungry for the same motivated and talented workers we need to fill the ranks of our armed services, it makes great sense to offer an employment package that includes a tax-deferred savings plan.

Once again, as we have seen in the military campaign against Yugoslavia, our Nation has the most capable armed forces on Earth. That is because we have outstanding soldiers, sailors, airmen and marines. We need to make sure that we do all we can to keep them.

I urge my colleagues to support these brave and courageous men and women and vote ''aye'' for the Abercrombie-Buyer amendment.

Mr. BUYER. Madam Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Madam Chairman, I want to thank our chairman, the gentleman from Indiana (Mr. BUYER), as well as the gentleman from Hawaii (Mr. ABERCROMBIE); Mr. BUYER has been a tireless defender of trying to advance the rights and the additional support of our armed forces throughout the world.

I rise in strong support of the Buyer-Abercrombie amendment to authorize members of the uniformed services to participate in the Federal Thrift Savings Plan. Madam Chairman, with the exception of the military, the Congress has already acted to give virtually every other Federal employee access to tax-deferred savings. We have even authorized the 960,000 employees eligible for the Civil Service Retirement System, CRS, the option to participate in the Thrift Savings Plan. Fully 61 percent of those employees are making contributions to the Thrift Savings Plan; and if they are investing in the common stock option, they are benefiting from a rate of return in excess of 30 percent over the last 4 years. This is simply an amendment to provide equity and fairness to one of the most deserving populations in America, the men and women who serve our Nation in uniform.

At a time when most Americans are benefiting from a strong economy with immense growth in personal wealth using tax-deferred savings military personnel are denied the opportunity. Given the sacrifices being made by military members and their families today, difficult and often hazardous working conditions, long deployments from home, long working hours, limited funding for parts and other on-the-job resources, underfunded quality of life programs, the uniformed services should be the last group denied the opportunity to invest in their own future.

We attempted earlier this year to address the pay inequities, as we did in the past Congress, because we were increasing Federal employees and other areas, but not our armed forces. This is an attempt to expand not only the pay question, but the benefits that other government employees get to the military, who should be the first to get these benefits, not the last.

There is every indication that military people want to participate in the Thrift Savings Plan and are willing to make the financial sacrifices necessary to benefit from the Thrift Savings Plan. It is time to set the record straight. Vote ''yes'' on the Buyer-Abercrombie amendment, and I again want to congratulate the chairman for his efforts.

Mr. ABERCROMBIE. Madam Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. PICKETT).

Mr. PICKETT. Madam Chairman, I rise in support of this amendment, and I commend the authors of the amendment for offering it here today. I sponsored legislation on this issue myself that was not successful, I am sorry to say, but I am very happy to be here in support of this amendment. I think it is a provision that is long-past due.

The military has a very small percentage of the people that enter who end up making it a career. Eighty-three percent of the people that enter the military do not intend to make it a career, and at the present time, they have no means to start a retirement fund. This will give them that opportunity by allowing them to participate in the Thrift Savings Plan.

The proposal here would be a no-frills plan modeled after the savings program that Members of Congress have, 5 percent payroll contribution without government matching or automatic contribution. Thrift Savings Plan participation offers service members some portability for retirement benefits that they would not otherwise have, and I think this will encourage people to want to serve in our military. The savings program would be managed by the Federal Thrift Saving Investment Board, a professional, independent organization that will insure and guarantee the security of the money set aside by these people seeking to build a retirement fund.

Madam Chairman, I am very pleased that this amendment is being offered. I know that it is going to help our military in their recruitment and retention efforts, and I think it is a step in the right direction to make certain that our military people, even those who do not plan to make the military a career, have the opportunity to create and sustain a retirement program.

Mr. BUYER. Madam Chairman, I yield myself 1 minute.

I would like to compliment the gentleman who just spoke, the gentleman from Virginia (Mr. PICKETT) whose district and his home are the Navy in Norfolk. Mr. PICKETT has been a hard worker on the Subcommittee on Military Personnel, very tireless in his efforts to address the recruiting and retention and retirement issues; and he has also been an advocate of the Thrift Savings Plan over the years, and I know this is a good moment for him likewise.

Madam Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Madam Chairman, I rise in support of this amendment and to commend the chairman and ranking member, the gentleman from Indiana (Mr. BUYER) and the gentleman from Hawaii (Mr. ABERCROMBIE) for cooperation and their hard work and their can-do spirit.

Madam Chairman, as I mentioned earlier this morning, members of the Committee on Armed Services were firmly committed to making this the year of the troops. We recognize that American military personnel and their families were bearing the brunt, the 10-year shrinkage in annual defense spending. The result has been devastating. Military quality of life is severed to the point that all of our service branches are having difficulty recruiting and retaining quality military personnel.

This year's defense authorization legislation reverses the downward spiral in defense funding and begins the difficult process of rearming our military both as a fighting force and as a family. While sophisticated hardware and advancements in technology are critical elements of this rebuilding effort, it is our exceptional personnel, the engine of the American fighting force.

I believe our legislation takes an important first step in reaching out to our men and women in uniform and letting them know that they count and that we appreciate the difficult job they do.

The Buyer-Abercrombie amendment would make our already good authorization bill even better. This amendment provides our service personnel the same benefit we provide to all civil servants, the opportunity to participate in the Federal Government's Thrift Savings Plan. Such an initiative would give every sailor, soldier, airman and marine a chance to plan and prepare for the future through participation in the plan. Individual service personnel could make tax-deferred deposits into accounts similar to IRAs.

Madam Chairman, this measure would have a positive effect on recruiting and retention and does not begin to describe the benefit. The Buyer-Abercrombie amendment is an effective tool

in our effort to ensure our highly qualified men and women remain in service. We express our appreciation for their protection by our support of the Buyer-Abercrombie amendment.

Mr. ABERCROMBIE. Madam Chairman, I yield 2½ minutes to the gentleman from Missouri (Mr. SKELTON), the senior Democrat on the committee, who has been a mentor to us all, and it is a great pleasure to have him speak on this most important amendment.

Mr. SKELTON. Madam Chairman, I first must say how very proud I am of the chairman of the subcommittee, the gentleman from Indiana (Mr. BUYER), how proud I am of our ranking member, the gentleman from Hawaii (Mr. ABERCROMBIE) for the work that they did on the personnel section of this bill. The work that they provided for us, and hopefully we will have a strong vote on this entire bill at a later moment today, will give encouragement, will give heart, to those who are in the military and have some doubts as to whether they should stay and serve our Nation in uniform or to seek their fortunes elsewhere.

□ 1100

The pay package, which includes the pay raise, the pay tables, the pension package, it will encourage so many to stay and seek retirement later than leaving. I just cannot compliment the gentlemen enough. I want this House to know of my praise for the gentleman from Indiana (Mr. BUYER) and the gentleman from Hawaii (Mr. ABERCROMBIE) on the fine work they have done.

Let me also add that I support this amendment that they have offered. It was first brought to my attention by the Chief of Naval Personnel, and it is an excellent amendment. It is a key part of the full package that will be comprising the personnel section of this bill.

The military is the largest employer that does not offer a 401(k) plan. However, we do offer this benefit to Federal civilian employees under the Thrift Savings Plan. As a government, we should strive for equity among the different types of employees. I fully support this. It is equity on the Federal level among all different types of employees, soldiers, sailors, airmen and marines who leave before completing 20 years will not leave empty-handed, but be able to take the Thrift Savings Plan with them into another 401(k) plan.

This is the right thing to do for the young people as they grow in service and in maturity. I fully support, fully support this amendment.

Mr. ABERCROMBIE. Madam Chairman, with the Chair's permission and with the indulgence of the gentleman from Indiana, there was a request by a Member to speak, and I ask unanimous consent to extend the debate by 1 minute.

The CHAIRMAN pro tempore (Mrs. EMERSON). The Chair would entertain that request if it were equally divided, 1 minute on both sides.

Mr. SKELTON. Madam Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. Does the gentleman from Hawaii withdraw his unanimous consent request?

Mr. ABERCROMBIE. Yes, Madam Chairman.

The CHAIRMAN pro tempore. The gentleman from Missouri (Mr. SKELTON) will be recognized to 5 minutes.

Mr. SKELTON. Madam Chairman, I yield to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Madam Chairman, I request that the time that has been yielded to me be divided, 2½ minutes each to the gentleman from Indiana (Mr. BUYER) and myself.

The CHAIRMAN pro tempore. The gentleman from Missouri (Mr. SKELTON) does have the 5 minutes under the 5-minute rule.

Mr. SKELTON. I will be pleased to yield to the gentleman from Indiana at the proper time.

Mr. ABERCROMBIE. Madam Chairman, I yield to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Madam Chairman, I did not realize we were going to have such a complicated and convoluted situation here.

I think what the gentlemen are doing, I say to the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Indiana (Mr. BUYER), is absolutely necessary. I think when we do the little things, the big things take care of themselves.

I had not really looked carefully at this amendment, but having looked at this amendment, it is the types of little things that build morale and stabilization to a military force that is deserving.

I just wanted to echo here and compliment the chairman, the gentleman from Indiana (Mr. BUYER) and the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Missouri (Mr. SKELTON) and all associated with this.

Mr. SKELTON. Madam Chairman, I yield to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Madam Chairman, in closing, I would like to thank the subcommittee staff for their very hard work. Additionally, I would like to thank my colleague, the gentleman from Indiana (Mr. BUYER). It has been a pleasure to work with him, to develop such a comprehensive benefits package that I am certain will ensure the viability of the all-volunteer force well into the next century.

Mr. SKELTON. Madam Chairman, I yield to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. I thank the gentleman for yielding to me, Madam Chairman, and for his contribution and that of the gentleman from Hawaii (Mr. ABERCROMBIE).

One of the challenges associated with recruiting the high quality military force that we possess today are the demands the force places on personnel programs within the uniformed services.

Military men and women today are bright, confident, and they are honorable young people. If these superb young people were anything less than the best, they would not measure up to the extreme challenges that we call on them to overcome each and every day as they serve the Nation around the world.

This high quality force includes members that are more independent and savvy than we have seen in the past. They understand the importance of saving for retirement and they want to control their future.

We have observed a revolution in investment that has changed the retirement planning in the private sector, and those in the military services want to participate in a strong economy that has benefited some others in America. For example, they want the same 30 percent rate of return that 1.8 million Federal civilian employees enjoyed today from their Thrift Savings program. They want some retirement portability that they do not have today within the military retirement system. In short, they want to participate in the Thrift Savings Plan.

While this, again, is no silver bullet that guarantees good recruiting and retention, we must not allow this powerful, cost-effective recruiting and retention tool to go unused. The readiness of the force depends on our action today.

I urge that the administration would include this in the 2001 budget. I urge my colleagues to vote ''yes'' on the Buyer-Abercrombie amendment. I urge my colleagues to provide the uniformed services access to the Thrift Savings Plan.

Mr. MICA. Mr. Chairman, I want to thank the Chairman of the Subcommittee on Military Personnel, Mr. BUYER and the gentleman from Hawaii, Mr. ABERCROMBIE for introduction of this amendment to provide all members of our uniformed services with the opportunity to participate in a Thrift Savings Plan. This proposal mirrors legislation that was introduced by me and the gentleman from Virginia, Mr. PICKETT last year and again this year as H.R. 556.

It is not only reasonable but also fair that those who serve our nations armed forces should be eligible for personal savings plans available to other federal employees and Members of Congress. Today when our military pay falls behind cost of living, other federal worker pay and benefits it is essential that Congress provide our military services with additional incentives for recruitment and retention.

With recruitment down, and re-enlistments dropping we must reexamine both the compensation, living conditions and benefits offered our military personnel.

This action today is only one change of many needed to address problems and challenges facing our military and their dependents. It has been my privilege to work with others to help enact this savings plan and I urge its adoption as this military authorization legislation moves forward.

This action will also compliment legislation that I helped to author last year that begins to open our federal employees health benefit program to our military retirees and their dependents.

Mr. ABERCROMBIE. Mr. Chairman, I rise today in support of the Buyer-Abercrombie amendment to provide, in law, a provision for disability separation and retirement for service members with pre-existing conditions. This amendment is one of the en-bloc amendments.

Current law does not include a standard to establish eligibility for disability retirement and separation based on medical conditions that existed prior to members entry into military service. Previously, disability retirement and separation based on pre-existing medical condition had been authorized in regulations after eight years of service.

In 1979 the Department of Defense recommended to the Congress that disability compensation be extended to personnel with less than eight years of service, in order not to "worsen . . . the competitive position of the armed forces in attracting and retaining the numbers and quality of members essential to the proper functioning of the forces" in context of the "All Volunteer" service. Congress, under the Military Personnel and Compensation Amendments of 1980, approved this request. The DoD disability directive written at this time maintained the eight years length of service requirement only for pre-existing conditions. That policy was removed from the regulations in 1996 after a legal finding that there was no law to support the policy.

Only in very rare instances is medical evidence provided that states unequivocally that military service played no part in the progression of the disease. In fact, such evidence has been presented for just a handful of diseases i.e. (Retinitis Pigmentosa, Huntington's Chorea) and the Services have found their hands tied by current DoD policy and legislation.

This amendment offered by myself and Mr. BUYER would place in law a well-conceived and once well-executed policy and has the strong support of the Department of Defense. Adoption of this proposal would provide compensation to a small number of deserving people—perhaps 50 annually—that are afflicted by hereditary or congenital disease undetected at the time they joined the military.

These affected service members are patriots, who after faithfully serving their country for at least eight years, are now told they are no longer fit for military duty because of a pre-existing condition. These men and women joined the military in good faith and it is that good faith that we must return to them. Mr. BUYER and I strongly urge our colleagues to support the amendment.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER).

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

Mr. BUYER. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 200, further proceedings on this question will be postponed.

It is now in order to consider amendment No. 16 printed in House Report 106–175.

AMENDMENT NO. 16 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A, amendment No. 16 offered by Mr. TRAFICANT:

At the end of subtitle C of title X (page 283, after line 6), insert the following new section:

SEC. 1024. ASSIGNMENT OF MEMBERS TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

"§ 374a. Assignment of members to assist border patrol and control

"(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

"(1) the Immigration and Naturalization Service in preventing the entry of terrorists and drug traffickers into the United States; and

"(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

"(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

"(1) the assignment is at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, or the Secretary of the Treasury, in the case of an assignment to the United States Customs Service; and

"(2) the request of the Attorney General or the Secretary of the Treasury (as the case may be) is accompanied by a certification by the President that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

"(c) TRAINING PROGRAM.—If the assignment of members is requested under subsection (b), the Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that members to be assigned receive general instruction regarding issues affecting law enforcement in the border areas in which the members will perform duties under the assignment. A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

"(d) CONDITIONS ON USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

"(2) Nothing in this section shall be construed to—

"(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

"(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

"(e) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a), and local governments in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of tasks to be performed by the members.

"(f) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

"(g) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2002.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

"374a. Assignment of members to assist border patrol and control.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 200, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

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

Madam Chairman, they say this is a perennial Traficant amendment. For 12 years I worked to change the budget surplus in an IRS civil tax case, 12 years, and yes, this is 3 years in a row, because a report recently filed said the greatest national security threat facing the American people is not a foreign enemy per se and their missiles, it is the easy access to America by terrorists and drug smugglers, and our borders are wide open.

The Traficant amendment does not mandate troops on the border. It says if the administration has an emergency and calls them, which they can, it codifies the conditions by which those troops shall be placed. They must be trained. They can never go out alone. They cannot make arrests.

Let me say this, only 3 out of 100 trucks coming across our borders are even inspected, and we are building houses and giving rabies vaccinations in Haiti, guarding borders in the mideast, waging peacekeeping missions all over the world. The number one security threat facing America and the weak link is our border.

Madam Chairman, I reserve the balance of my time.

Mr. BUYER. Madam Chairman, I rise in opposition to the amendment, reluctantly, and I yield myself such time as I may consume.

Madam Chairman, I again reluctantly oppose the amendment for the following reasons: It is unnecessary. The President of the United States already has the inherent authority to declare a national emergency and employ national reserves to protect the borders of the United States. It is inherent within the constitutional powers of the president. If we cannot protect our own borders within those inherent powers, we do not have to specifically ordain, we do not have to enumerate nor dictate to the President of the United States.

This amendment seeks to protect our border against terrorists and weapons of mass destruction. In fact, major initiatives are already underway to mobilize the Nation against such threats through the utilization of the National Guard weapons of mass destruction programs.

The evidence is overwhelming that our military forces are stretched to a breaking point. Readiness is suffering due to an overcommitment and underresourcing. We have just added Kosovo to the many locations around the world where the United States forces will be semi-permanently assigned to a major new mission, like policing the border. Redirecting many military personnel to nonmilitary missions would increase the negative impact on military readiness.

Under U.S. law, law enforcement is historically and properly left to the Department of Justice and its agencies, as it should be. The United States military is precluded from becoming a police force, under the posse comitatus act. We ought not to change the basic principle.

We have had many discussions about this, and I compliment the gentleman's tenacity over the years in bringing this amendment. But if it is the border the gentleman wants to strengthen, we can do that through other proper agencies and not through the use of a military force.

At a time when this Nation has embraced the North American Free Trade Agreement and we want to have even better relations with Mexico and Canada, putting a military force on the border itself sends a very awful message to our friend to the south.

I urge my colleagues to vote ''no'' on this amendment.

Mr. TRAFICANT. Madam Chairman, I yield 1 minute to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Chairman, I ask my colleagues to think, instead of feel. I know they are worried about a negative message being sent. But let me say to my colleague that Mexico places their troops along the border because they recognize that the battle against drugs is going to have to be fought on the border.

The concept of political correctness, of what might look bad is unimportant to Mexico. They know how desperate the situation is. They put their troops where the problem exists. We send our troops all over the world. We are ready to send another 7,000 to Kosovo to protect other neighborhoods and other borders.

What about the American neighborhoods that are being poisoned by drugs today? Is it too much to ask that the American taxpayer who pays for these troops, be allowed to be protected from drugs by these troops?

Madam Chairman, I want to point out, almost every State along the border has committed its National Guard to helping along the border at addressing this crisis. Is it too much to say, with good training and appropriate supervision, that the United States Federal Government will make its contribution, too, in every way possible?

Please, common sense says we should be doing as much for our American citizens as we are doing for people all over the world.

Mr. BUYER. Madam Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. REYES).

PARLIAMENTARY INQUIRY

Mr. REYES. Madam Chairman, parliamentary inquiry. There are a number of Members that would like a unanimous consent to be in opposition to the amendment.

Do I yield time, or does it count against my 1½ minutes? What is the procedure? Obviously, we do not have enough time to have everybody speak.

The CHAIRMAN pro tempore. The gentleman is recognized for 1½ minutes, during which time he may yield to anyone he wishes within the 1½ minutes that he has been yielded.

Mr. REYES. It will count against my time?

The CHAIRMAN pro tempore. That is correct. The gentleman is recognized for 1½ minutes.

Mr. REYES. Madam Chairman, I yield such time as he may consume to the gentleman from California (Mr. FILNER).

Mr. FILNER. Madam Chairman, I rise in opposition to the Traficant amendment.

Mr. Chairman, I rise to oppose the Amendment by the gentleman from Ohio.

I do want to commend my colleague from Ohio for his dedication and tenacity in fighting drugs. Every member of this body, I am sure, shares his commitment to ending this scourge on our society. But, while we share the same goals, we do have a difference in opinion on how to eradicate drug smuggling and drug abuse.

The District I represent sits on the Mexican border. One of the crossings in my District is the busiest border crossing in the entire world! So, I have personal experience with the border and all the opportunities and challenges associated with border crossings.

There is no question that we must gain better control of our borders. There have been Herculean efforts by the Immigration and Naturalization Service, the Customs Service, the Drug Enforcement Agency, the Federal Bureau of Investigation, and many other government agencies, including state and local agencies. All these agencies are to be commended for their efforts and dedication to controlling our borders and ending the illegal crossing of narcotics and narcotics smugglers.

And, though much remains to be done, I have serious and grave reservations about this proposal to literally arm the border. Yes, we need to better control the border, but placing armed military personnel on our borders, who are trained to fight and win wars by killing people, is not the answer.

The United States military is the best equipped, best trained, most disciplined, and most efficient in the world. Our military can win any war that the American people choose to fight. But, the brave men and women serving in our Armed Forces win those wars by killing people. As repulsive and unforgiving as killing is, it is the way wars are won. With people who are trained to kill other people patrolling our own border, I fear for the safety of our own citizens—not from intent, but from accident.

I also want to remind everyone that Mexico is a friendly country. They have made no attempts at invasion since the Alamo. Accordingly, I believe this proposal could do serious damage to a relationship that is fragile, at best.

Mr. Chairman, we must find new and innovative methods for stopping illegal drugs from coming into our country and killing our people. But I do not believe arming the Mexican-American border with the United States military is the best way. I call on my colleagues to not limit themselves to old and easy ideas for ending this scourge of deadly drugs. Let us think beyond the conventional solutions of greater force and move toward new proposals.

□ 1115

Mr. REYES. Madam Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Madam Chairman, I oppose the amendment. I think that the gentleman from Ohio (Mr. TRAFICANT) has made some good points about terrorism, but this is something that Immigration and Customs can do. I rise in opposition to the amendment at this time.

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

Madam Chairman, I have a tremendous amount of respect for both the gentleman from Ohio (Mr. TRAFICANT) and those Members of Congress that are frustrated about the specter of terrorism, drugs, and all of these other things. But these are the facts: 90 percent of the drugs enter through our ports of entry. As the gentleman from Ohio (Mr. TRAFICANT) mentioned, only

three of out of every 100 trucks are inspected.

Currently there are only 8,000 Border Patrol agents to cover our border. We need 20,000 to do the job. $1.9 million was paid out in a settlement to the Ezequiel Hernandez family as he was shot by a military patrol in Texas on the border.

The needs of the border are this: We need to understand and have a common-sense approach from this Congress. We need more Border Patrol agents. We need more Customs inspectors. We need more INS inspectors. We also need to support the technology that will make us effective in inspecting those trucks at the ports of entry.

The consequences I see are, are we moving towards marshal law, not just for border communities, but throughout the country? Are we going to have armed personnel from the United States military in our neighborhoods, not just on the border, but throughout the country? Are we going to have another Ezequiel Hernandez incident?

This has a tremendous impact, not only on border communities, but on this country and a tremendous impact on the readiness and our ability to deploy our troops and expect the best from our armed forces.

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

Madam Chairman, I want every Member of Congress to look at the chart that the opposition brought in. I want the chairman of the subcommittee to look at it. I want the Committee on National Security to look at it. We are talking about every country all over the world, and the National Security report came out and said the biggest weakness to America's national security is our own border.

Listen carefully. Increased availability of inexpensive cruise missiles and the capability to fabricate and introduce biotoxins and chemical agents into the United States at record levels, warheads housing nuclear/chemical/biological weapons proliferating, effective missile defenses needed.

But look at our borders. Although not seriously considered, coastal and border defense of the homeland is a challenge that needs attention. Infiltration of our borders by drug smugglers and contraband goods illustrates a dangerous problem.

Now let me say this. Only three out of 100 trucks. Where are the agents? I support the agents. This does not even deal with immigration. Terrorists finance their business with narcotics. Congress talks about a war on narcotics.

All we have is a war going on in Kosovo. We are building homes in Haiti and giving vaccinations to dogs in Haiti, and the damn border is wide open, and I am going to hear this. The committee would not even have had a debate on our border if it was not for this amendment.

Now, this amendment may not pass this time, but 90 percent of the American people are fed up with a Congress that does nothing and talks about a war on crime and a war on terrorism when we are ripe and wide open.

I want to say one last thing. I want some support in a conference. There is not enough anatomy in the other body to even consider these issues. This is the House of Representatives. Show some backbone.

I do not mandate these troops. The President must ask for them. But by God, if he gets them, the Traficant law says they cannot violate posse comitatus. They must be trained. They must give notice to the governors, and it must be coordinated.

Now, that is the way it is. I expect the support of this House today.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mrs. EMERSON). The Chair will remind Members that the use of profanity in the Chamber is not permitted.

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

I would say to the gentleman from Ohio (Mr. TRAFICANT) that your passion is real. It is misdirected. It should not be the troops on the border, it should be increasing Customs, INS and DEA.

Madam Chairman, I yield 45 seconds to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Madam Chairman, I admire the gentleman from Ohio (Mr. TRAFICANT), and as the gentleman from Indiana (Mr. BUYER) said, for his tenacity, but I disagree strongly with his proposal to militarize our border, to put a significant part of my congressional district under martial law.

He is not talking about martial law in Youngstown, Ohio. He is not talking about martial law in New York City. He wants to clear the streets of gangs and drug dealers. What about clearing them with military troops there in those cities as well?

He wants to use the military resources to help stop drugs at our borders and prevent terrorists. Guess what. It is happening. It is happening right now. Joint Task Force 6, located in El Paso, Texas, is doing that.

Here are some of the things that the military does now along the border. Army engineering groups are building roads and fences along the border so that we can patrol it. We have the National Guard unloading trucks at our crossing stations so they can be inspected for drugs. We have the Air Force operating our aerostats which provide radar coverage against drug-smuggling aircraft. It is Customs that should deal with this. It is Immigration and Border Patrol that should deal with this; it is not the military role to deal with this.

I urge my colleagues to defeat this amendment.

Ms. JACKSON-LEE of Texas. Madam Chairman. I rise in strong opposition to the Traficant amendment to place armed troops on the border. This great nation of ours is both a nation of immigrants and a nation of laws, not a nation against immigrants. This means that we have laws, but we also have fairness, we also have due process, and yes, we have a group of hardworking men and women who make up the U.S. Border Patrol. Rather than giving up and becoming a military police-state, let's continue to support our Border Patrol and do everything we can to improve the border patrol. I have joined with Congressman SYLVESTRE REYES to introduce H.R. 1881, the Border Patrol Recruitment and Retention Act of 1999. This legislation will provide incentives and support for recruiting and retaining border patrol agents. This legislation would increase the compensation for Border Patrol agents and allow the Border Patrol agency to recruit its own agents without relying on personnel offices of the INS.

The Border Patrol is not able to recruit enough agents to meet this authorizing level. Therefore, after speaking with the budget analysts at the INS, an additional $3.7 million is needed to raise the starting salary level from GS–5 level to GS–7 level, which will be slightly over $30,000 and comparable with the other federal law enforcement agencies.

Apparently Madam Chairman, the Border Patrol Agency loses a lot of its agents when they reach the GS–9 level, and that salary level is around $33,000 because there is currently a ceiling on how much an agent can earn. We must do this every year Madam Chairman until FY 2001, which is the remaining authorizing years for Border Patrol agents as mandated by the 1996 law.

Let's not line up troops along the border. The military is not supposed to be used for such purposes. Let's beef up our nation's Border Patrol and pass H.R. 1881, the Border Patrol Recruitment and Retention Act of 1999.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. TRAFICANT. Madam Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 200, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 200, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 15 offered by the gentleman from Indiana

(Mr. BUYER) and amendment No. 16 offered by the gentleman from Ohio (Mr. TRAFICANT).

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

AMENDMENT NO. 15 OFFERED BY MR. BUYER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. BUYER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 425, noes 0, not voting 9, as follows:

[Roll No. 185]

AYES—425

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

NOT VOTING—9

Bono
Brown (CA)
Cooksey
Hilleary
Holt
Kasich
Lofgren
Olver
Wynn

□ 1144

Mr. MOLLOHAN changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mrs. EMERSON). Pursuant to House Resolution 200, the Chair announces that she will reduce to a minimum of 5 minutes the period of time in which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 16 OFFERED BY MR. TRAFICANT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 181, not voting 11, as follows:

[Roll No. 186]

AYES—242

Aderholt
Andrews
Archer
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Blunt
Boehlert
Boehner
Boswell
Boyd
Brady (TX)
Brown (FL)
Bryant
Burton
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Clay
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Doyle
Duncan
Dunn
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Gordon
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (WA)
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Istook
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kelly
Kildee
Kind (WI)
Kingston
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf

Mica
Miller (FL)
Miller, Gary
Moakley
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Owens
Oxley
Packard
Pallone
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thune
Thurman
Tiahrt
Traficant
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson
Wise
Wolf
Young (FL)

NOES—181

Abercrombie
Ackerman
Allen
Armey
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boucher
Brady (PA)
Brown (OH)
Burr
Buyer
Callahan
Capps
Capuano
Cardin
Carson
Chenoweth
Clayton
Clement
Clyburn
Condit
Cox
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Edwards
Ehlers
Ehrlich
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Goodling
Graham
Green (TX)
Gutierrez
Hansen
Hastings (FL)
Hayes
Hayworth
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hooley
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson, E.B.
Jones (OH)
Kanjorski
Kennedy
Kilpatrick
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Lampson
Larson
Leach
Lee
Lewis (GA)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Ortiz
Ose
Pastor
Paul
Payne
Pelosi
Pickett
Pombo
Pomeroy
Porter
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Schakowsky
Scott
Serrano
Skelton
Slaughter
Snyder
Stark
Stenholm
Strickland
Stump
Stupak
Tanner
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Whitfield
Woolsey
Wu
Young (AK)

NOT VOTING—11

Bliley
Bono
Brown (CA)
Conyers
Hilleary
Holt
Kasich
Lofgren
Manzullo
Olver
Wynn

□ 1153

Messrs. CRAMER, OXLEY, and DEUTSCH changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mrs. EMERSON). It is now in order to debate the subject of the policy of the United States relating to the conflict in Kosovo.

The gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

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

Madam Chairman, as the 3-month air war appears to be winding down and NATO operations in Yugoslavia appear headed for a new and, in my opinion, perhaps more troubling phase for our country, I think it is entirely appropriate that the House have a debate over various aspects of our Kosovo policy.

Over the past few months, the issue of this administration's policy has been contentious and confusing not only to the Congress but to the American people, as well. Under such circumstances, I do not understand why debate is a bad thing.

In my personal opinion, the conflict in Kosovo and the wider wars in the Balkans do not directly impact on core United States national security interests. Our interests in the current conflict are primarily humanitarian.

Madam Chairman, in the words of NATO Secretary General Solana, Operation Allied Force is ''a war fought for values.'' I am not minimizing the importance of values. They mean a lot to the American people and to me personally.

Americans take their political values seriously. We declared our independence from Great Britain on the basis of inalienable rights. Yet, as a Nation, when it comes to matters of national security and foreign policy, when it comes to matters of these kind, we have always tempered our values with an appreciation of our broader national interests, as did the Founding Fathers, who were especially weary of foreign entanglements.

The need for a clear right assessment of the national interest is especially important when it comes to the use of United States military force. Committing our Armed Forces to combat should never be done without an objective reckoning of interest, cost, and benefits. Indeed, that ought to be our solemn obligation to the men and women in uniform who place their lives at risk to protect and promote American interests all around what remains a dangerous world.

We cannot afford to simply ask whether the cause is just but whether we are willing and able to pay the many direct and indirect costs necessary to achieve victory if victory can be clearly defined.

The costs to our Armed Forces of ongoing operations in the Balkans from 1995 until today has been substantial and continues to rise exponentially. Also, there is no end in sight.

Including the funds recently approved by Congress in the Kosovo supplemental and in this bill, the cost of operations in the Balkans is approaching $20 billion.

□ 1200

That figure represents just the incremental costs to the Department of Defense, the costs of the additional fuel, munitions, spare parts, personnel and other associated costs with operations in the Balkans. It does not begin to cover the capital costs associated with raising, equipping, training and maintaining our armed forces.

Put simply, American military commitments in the Balkans have risen to the level of a third major war, over and above the two potential major wars facing us in Korea and Southwest Asia, and form the basis of our United States national strategy. We are involved in an unanticipated major war in Europe with a military force that in my view is overextended and underresourced to the point where it cannot effectively protect our national interests around the world, nor can it execute the Nation's military strategy in time of war.

These basic realities have shaped my position in regard to our operations in the Balkans over the past several years. I do not downplay the humanitarian tragedy that has befallen the Balkans. None of us do. With our military already overextended, I have long maintained that it is unwise to commit our forces, especially United States ground forces, to an open-ended commitment in Southern Europe that would place our other vital interests around the world at immediate and, in my opinion, unacceptable risk. Parenthetically I note that the two new incoming Chiefs of Staff of the Army and the Marine Corps have expressed similar concerns about this matter.

Mr. Chairman, despite the fact that our armed forces are at a fraction of their Gulf War strength of the late 1990s, it seems that the administration has approached this entire Balkans policy for the past several years and certainly the past several months in isolation from Korea or the Persian Gulf. We must first and foremost consider

our security and foreign policy with our heads, not just our hearts. And we cannot consider the signals we send to Serbia separately from the signals we send to Iraq and Iran and North Korea or any other nation that is or might become our adversary where the threats posed are a higher degree than that in the Balkans.

I urge my colleagues to bear in mind our global interests and responsibilities and the ability of our military forces to protect all of these interests as we debate the Kosovo policy today and in the future.

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

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

Let us speak of Kosovo today. We have achieved, our country has achieved, NATO has achieved a victory in the field of battle in the Balkans. The issues we debate today and the votes taken today will tell whether we keep that victory or whether we sour it or whether we throw ashes on it and tell those young men and young women who have been in harm's way that their efforts were for good or whether they were for naught.

Mr. Chairman, never in the history of this country has a Congress voted to deprive America of a military victory in the field after it has been achieved. It is my sincere hope that this Congress today will not deprive America, will not deprive the NATO nations of a victory that it has achieved by placing young men and young women in harm's way.

The House is now going to consider a series of amendments concerning our involvement in NATO operations in Yugoslavia. The House should approve my amendment to delete section 1006(a) of the bill and we should approve the Taylor amendment which outlines the goals for our military and peacekeeping operations in Yugoslavia. However, we should reject the Souder amendment, which is even more restrictive than the flawed language that is in the bill, and we should reject the Fowler amendment because the House debated and rejected a similar Fowler amendment in March by a vote of 178–237.

Mr. Chairman, when I spoke during general debate on this bill, I mentioned that my only reservation about this legislation concerns section 1006 relating to budgeting for operations in the Federal Republic of Yugoslavia. This provision, which prohibits the use of funds authorized by this legislation for the conduct of combat or peacekeeping operations in the Federal Republic of Yugoslavia, is too restrictive and can result in funds being cut off while our troops are in the field. I agree with the necessity to fund our operations in the Balkans with supplemental appropriations and I have so stated. However, if the bill's provisions are left in place, we could have a situation where the funds from one supplemental run out before another is enacted. In that case, the section in question would prevent the use of these Department of Defense funds authorized by this bill to support our troops in the region whether in combat or peacekeeping. Moreover, if this language remains in the authorization bill, this otherwise excellent legislation that we have will be subject to a presidential veto.

The amendment which I offer will delete subsection (a) of section 1006 while leaving in place subsection (b) which requires the President to request supplemental appropriations in order to conduct combat or peacekeeping operations in the Federal Republic of Yugoslavia. Subsection (b), standing alone, adequately protects the funding authorized in this bill without running the risk of undermining America's and NATO's military peacekeeping efforts in Kosovo.

Mr. Chairman, 2 weeks ago when we were first scheduled to take this bill up on the floor, I would have argued that the language in the bill sent the wrong message at the wrong time. Now with the withdrawal of Serbian forces from Kosovo scheduled to begin today, the message we would send by rejecting my amendment and the timing of that message would be even worse. Specifically, retaining that harmful section would send a signal to U.S. and allied military personnel in the region that their superb performance to date may be cut off at a fiscally-driven date having nothing to do with operational or diplomatic considerations.

It would send a signal of uncertainty to our NATO allies at a time when American leadership on the ground, in the air and in various diplomatic venues is carrying Operation Allied Force and related efforts forward.

It would send a signal to Kosovar refugees depending on America and NATO that the Alliances's commitment to returning them safely to their homes is wavering.

It would send a signal to President Milosevic that he need only hold on or stall for a few more months before funding for American participation in the NATO air campaign or peacekeeping mission is accomplished.

Mr. Chairman, this is a very, very serious issue. It relates not only to Kosovo, it relates not only to Yugoslavia, it relates to the leadership of this bastion of freedom, of America, in this world.

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

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, let me respond briefly to my friend from Missouri with respect to depriving us of what he calls victory in this war.

The war that I am concerned about, Mr. Chairman, is the next war, and I am concerned about the stocks of ammunition that are now very low. I am also concerned about those young men and women who have served us so well in the air war that has taken place over the last 78 days or so. The best way we can serve those men and women in uniform is to see to it that we get a large number of them off food stamps. I am talking about the 10,000 military families that currently are on food stamps.

Another way we can serve them is to see to it that we have the spare parts to get our mission capability rates up above 70 percent and to get that crash rate which last year was 55 aircraft crashing resulting in 55 deaths during peacetime operations down to a lower level, if not an acceptable level. All of that is going to take money.

Mr. Chairman, this war will be a disaster if we pay for it out of the moneys that would have gone to increase our munitions back to the two-war requirement, that would have gone to raise the pay of our military people up to the level where they can make more than the food stamp rate, if the money is taken out of the spare parts coffers where it has been taken in the past to leave 40 percent of our aircraft grounded because they are not mission capable.

I just say to my friend from Missouri, let us not pull money out of operations in this new euphoria that he thinks we should be engaged in, out of operations and out of the spare parts supplies and out of the ammunition coffers and out of the personnel benefit coffers. Otherwise, the next war will be a disaster for us. I hope that he will work with me to see to it that money is not taken out of the defense budget for Kosovo.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, we won the war. Now we must win the peace. We led NATO into that war in order for us to end the atrocities over in Kosovo and now we must be part of NATO to ensure that peace is there and that it will stick. Not only do the Republican amendments today undermine our efforts in Kosovo but the underlining provisions of this bill without the Skelton amendment make it nearly impossible to effectively implement the peace agreement because it cuts off the funds on September 30. Every major newspaper in the world has a peace agreement on the front page of every major newspaper. Why can our friends on the Republican side not read what is on the front page of every major newspaper in the world and declare that we have peace and we have the responsibility to be part of making sure that peace works.

Mr. SPENCE. Mr. Chairman, I yield 3½ minutes to the gentlewoman from Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Chairman, I do commend our young men and women in the military for this peace that we hope has been achieved today because it is due to their great efforts that we have this opportunity for peace.

Mr. Chairman, I do not often disagree with the gentleman from Missouri, he is a Member of this House for whom I have the highest regard and affection, but on this particular issue, I think he is wrong. Just this last weekend, General Shelton, the Chairman of the Joint Chiefs of Staff, stated that even with the peace agreement, the NATO operation in the Federal Republic of Yugoslavia is no longer one of peacekeeping but of peace enforcement. We are clearly going to be placing U.S. forces in a hostile environment.

On one side of our forces, we will have the Serbs who we have been bombing for the last 2½ months. On the other side we will have the Kosovo Liberation Army which will be frustrated by the failure of the peace agreement to require a referendum as the Rambouillet accord would have done on independence. NATO forces will be defending Belgrade sovereignty over Kosovo, a position which is directly at odds with the KLA's paramount goal of independence. Moreover, while all the details of the peace agreement are not clear, it appears that the Russian element will approximate 10,000 troops compared to America's 7,000. Their line of command remains undetermined.

Over the last 2½ months, the United States has provided the lion's share of the effort in the air campaign. The latest figures indicate that the United States has had 723 aircraft involved versus 257 provided by the European states of NATO. The ratio of U.S. to European aircraft is almost 3 to 1. Yet the European states of NATO combined have more than twice as many active duty troops than we do, and their combined gross domestic product of $8.1 trillion is actually slightly more than our own GDP of $8.08 trillion.

The gentleman from Missouri would delete the provision in this bill that adds teeth to it, that the President may not spend money in fiscal year 2000 authorized by this bill for our military for operations in Kosovo but rather must submit a request for supplemental funding to meet any cost associated with the Kosovo mission.

□ 1215

Given the inadequate funding that our military has received over the last 6 years, I believe this would be a grave mistake. I note that just this week the incoming chiefs of the Army and Marine Corps are quoted in the press as expressing concern about the long-term implications of the mission. I quote Army General Shinseki:

> Each additional contingency operation impacts the Army's ability to remain focused on its war-fighting requirements. I am concerned about the prospects of a long-term commitment to Kosovo with ground forces.

I just want to put it down to home. Earlier this year I visited my naval air station in Jacksonville. I was shocked at what I saw. Of 21 P–3 aircraft on the tarmac, only four could fly. My S–3 pilots were only getting 5 hours a month flying time because there were not enough planes.

This House just passed the supplemental appropriations bill to reimburse the services for the President's air campaign and provide for other urgent service requirements. It was not enough, but it was a start. Now that we have met these urgent needs, we must prevent readiness from declining again.

The gentleman from Missouri's amendment would allow that to happen, and I urge my colleagues to oppose it.

Mr. SKELTON. Mr. Chairman, I yield 2½ minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, we have a peace plan for Kosovo. Milosevic's troops are moving out, peacekeepers are moving in, the refugees are going home. America can claim a victory by the outstanding young men and women in our armed services. Yet this House could snatch defeat from the jaws of victory.

We must support the agreement, provide the funds, back the peacekeepers. Instead, in this bill, the Republican majority has chosen to cut the funds, to pull back the peacekeepers.

This bill prohibits funding after September 30 for any U.S. military involvement in Kosovo, even to help secure the peace. Not only that, two other Republicans, the gentleman from Indiana (Mr. SOUDER) and the gentlewoman from Florida (Mrs. FOWLER) have amendments that would undermine the peace plan by banning peacekeepers. We should defeat these and approve the Skelton amendment to strike the provisions in the underlying bill.

Mr. Chairman, faced with tough choices, the President concluded that the risks of action were outweighed by the risks of inaction. Turns out he was right and the naysayers were wrong.

The naysayers said to ignore this ethnic cleansing, it is not our problem. The President said Milosevic's brutality must not stand. The naysayers said, never mind. The President said, never again. The naysayers warned of American battle deaths, but not one American has been lost in combat.

The naysayers said the conflict would spread, but it has been contained. The naysayers said it would sever relations with Russia, but Russia is our partner in the peace plan. Criticism is easy, but leadership takes courage.

This House has not shown courage on Kosovo. It has acted irresponsibly, voting against withdrawing troops, voting against the air campaign, yet doubling funds for the campaign. If we vote today to cut off funding and renege on our commitment to NATO, Russia and the world, we bring further shame to this House.

Mr. Chairman, we are better than that. Our country deserves more than that. Bring peace in the Balkans, preserve America's role as a world leader, reject these ill-advised efforts to undermine a peace in Kosovo.

Reject the Souder and Fowler amendments. Vote for the Skelton amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me respond to the last speaker that talked about the House acting irresponsibly. Irresponsible action by this House would be to not properly fund the Nation's national military strategy to fight and win two nearly simultaneous major regional conflicts. That is exactly what would be irresponsible.

To come onto this floor and then to try to claim that if we are not funding some peacekeeping operation that does not even test the gut-wrenching test of vital national security interest, that we can somehow then go to sleep with our responsibilities in other areas of the world, baffles my mind.

I mean, let me share with my colleagues what I mean by the gut-wrenching test. Does the United States have vital interests? None that could be debated. Why? Because we see the President and the American people were unwilling to put troops on the ground. That is the gut-wrenching test.

America understands the test for ''vital'' is if, in fact, we would sacrifice or send our own son or daughter into combat. But if people in America are unwilling to do that, then there is a strong sense in their gut that it must not be vital to our particular interest.

Now, we are in NATO. Because of our interest in NATO, the United States is a leader in NATO, we are in it. That is what is very, very clear.

Now I am going to be a constructive critic, and that is what I have tried to do in this process. But there is a clear difference in foreign policy between Republicans and Democrats, and that is very clear in the enjoinment of this debate.

Presently, there is a foreign policy of engagement where we have 265,000 troops in 135 countries all around the world; we have reduced the force in half, we have placed great stresses on the force, increased the operational tempo. We cannot retain the force, and we cannot even recruit to meet the goals of the force structure to meet our national military strategy.

Now let me shift gears. This allegation boggles my mind: Somehow achieved a victory? Why are we so anxious to say a victory has been achieved? Do my colleagues realize that Milosevic was able to achieve his objectives on the ground and that because refugees have now been sent to all areas of the world, try to get these refugees back into Kosovo at a time when are they going to feel the security to even go back?

Now let me pose another question. Peacekeepers? Do my colleagues know what protects a peacekeeper? It is neutrality. I feel much more comfortable having an international force on the ground, not NATO. NATO, that is not neutral. We have been bombing for 2 months, 3 weeks. We are seen as the enemy by the Serbs. That makes us a target. In their eyes it makes us the occupiers, and if there is anything we ever learn about the Balkans in the thousands of pages I have read it is that a bad situation always gets worse in the Balkans when there is an outside intervening source, especially one that is seen as the enemy.

So, yes, there is some apprehension.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, does the gentleman believe that the situation in Bosnia-Herzegovina is worse today than it was 3 years ago?

Mr. BUYER. In Bosnia-Herzegovina it is better today than it was 3 years ago.

Mr. HOYER. Mr. Chairman, I remind the gentleman Bosnia-Herzegovina is in the Balkans.

Mr. BUYER. I understand that, I understand that. I am just saying that what I most fear about is, in Kosovo shots can be taken and that has not happened in Bosnia-Herzegovina. The gentleman's point is well taken.

Let me also compliment the gentleman who is the chairman of the Subcommittee on Military Procurement, and I think the gentleman from Missouri (Mr. SKELTON) understands this. What we are trying to achieve here is for the President, if he wants to use moneys for the peacekeeping operation, then come with the supplemental appropriation, do not take it out of hide. A lot of the things for which we are doing here is to fund the national military strategy; that is our goal, and I also would want to work with the gentleman.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, 3 months ago I went with the Secretary of Defense to Aviano where, as the first order of business, we were to be briefed by Brigadier General Dan Leaf, the commander of our air forces there. General Leaf was there to meet us on the runway early that morning even though the night before he had flown a mission himself.

He briefed us with confidence, professional pride. And without bluster, he told us that his success to date was due more to the discipline and perfection with which his men had executed their mission, and, yes, their morale, because they believed in what they were doing; and not in the ineffectiveness of our adversary because our adversary was formidable. He did not promise us any quick results, but he did not shrink from the mission, and he left us believing the mission would be accomplished.

Well, Mr. Chairman, General Leaf and his troops did not disappoint us. They did what we asked them to do. They demonstrated the prowess of the United States Air Force, once again on a level with the Persian Gulf, and let me say I am proud to represent those troops because some of them came from my district, from Shaw Air Force Base. They did their job, they served us well, they made us proud, and I am here in the well of the House to commend them.

They must wonder, as many of us do, why this bill cut short what they have accomplished. The bill itself, the text of the bill, precludes further funding for peacekeeping or combat operations next year, and not satisfied with that, the majority has made in order three more amendments which pound the same issue: no money for military operations of any kind. I suppose that means no signal intelligence to see what Milosevic is up to, no overhead satellites, no CIA, no search and rescue.

What in the world are we doing considering amendments like this?

I know peacekeeping is onerous and expensive, I know our forces are stretched out around the globe, but I cannot believe that we are considering amendments like this at this time. We should be savoring our victory. We should voice vote up the Skelton amendment, remove the ban on funding, tell the President, sure, send us a supplemental next year to pay for the peacekeeping. But we should savor our victory, defeat these other amendments and see that our victory is consummated by a successful peacekeeping operation.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I want to compliment my friends, the gentleman from Missouri (Mr. SKELTON) and the distinguished chairman of the full committee for their fine work here, and I would like to say that the agreed-to settlement yesterday is, I believe, good news for Kosovo, good news for the North Atlantic Treaty Organization and good news for the American people and for our forces who have fought with tremendous professionalism and valor in dealing with what is obviously a very, very tough situation.

We all know that NATO's campaign had a specific goal. It was about bringing a political settlement that could be supported by both the Kosovar Albanians as well as the Serbs. At the same time, America's ultimate goal I believe must be a future which ensures that our troops will not be needed in Kosovo or, for that matter, anyplace else in the region. That is a very important goal that we need to pursue.

I frankly am troubled if we look at the historic pattern that we have seen in Yugoslavia, in the entire region, which has required that presence, but I think that we need to do everything that we can to continue to pursue that ultimate goal.

Now, having said those things, Mr. Chairman, I think it is very important for us to realize that we need to proceed with an important and rigorous debate on exactly what U.S. national interests are around the world; and as we look at the challenge of having deployed troops in many parts of the world beyond the Balkans, we need to decide what it is that we want to pursue, what our priorities as a Nation are, and I hope that in the not too distant future we will be able to proceed with that.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. TURNER).

□ 1230

Mr. TURNER. Mr. Chairman, the House will decide today not whether or not we will pursue the war, because the war is over and the settlement has been signed and the United States and NATO have prevailed. The question before the House today is whether, after winning the war, will we lose the peace?

In this bill there is language that would cut off all funding for the peacekeeping operations 3½ months from now. It is my view that we must send a very clear signal to the world community and to President Milosevic that we intend to keep the peace; that when the world community stood united, when our NATO allies stood united, when our forces prevailed in the 78 days of the bombing campaign, that this House of Representatives also will stand united in supporting those troops and supporting that peacekeeping effort.

There is no question that we all believe in a strong military and we all believe that the supplemental appropriation, the emergency appropriation that we passed, was important to funding adequately the military. But to hide behind that smokescreen and say that we will oppose the Skelton amendment and keep the language in the bill that cuts off funding 3½ months from now,

just because we want to try to get another emergency appropriations bill passed sometime in the future, is, in my judgment, a wrong approach to a very serious issue.

It is my hope that this House will support the Skelton amendment, to tell the world community that we intend to do our part, and reject the Fowler amendment, which was the subject of legislation we debated back on March 11 before the conflict began, when this House agreed to authorize forces of the United States to participate in a NATO peacekeeping operation. In that debate I offered the amendment that would restrict our participation to 15 percent.

We need to continue on that course today, and we need to adopt the Skelton amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I want to ask the esteemed ranking member and anybody else who wants to speak on this, we have heard a number of statements about how much you love the troops. I do not have any influence with the President. The President is sending budgets down that do not pay for ammunition, do not give adequate pay to our troops, keep them on food stamps, do not give them spare parts and do not give them planes new enough to avoid a 55 crash a year crash rate. We all know what we are trying to do. We are trying to keep our money in the ammunition coffers so we do not spend that on other things and have empty ammunition coffers when the next war comes around.

I want to ask the gentleman, will the gentleman work to get the $13 billion ammunition shortage plussed up to where it is at parity with what we need to fight the two wars?

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, absolutely.

Mr. HUNTER. Will the gentleman make a pitch to the President to do that?

Mr. SKELTON. Absolutely.

Mr. HUNTER. Mr. Chairman, I will work with the gentleman over the next couple of weeks, and I hope all the other leaders and Members who have spoken on the Democrat side will use their influence to get this funding executed.

Mr. SKELTON. If the gentleman will yield further, the gentleman will recall that I put together just a few short years ago a military budget calling for an increase in three successive years. I know full well and the gentleman knows full well that we need additional funding for the military. We made substantial gains this year. I am very pleased with this bill.

What I do not want to happen is for this provision to stay in which cuts off the funds. We do need a supplemental. I would encourage that. That is why I have left section B untouched. We encourage and require the President to send a supplemental in the future.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am very pleased to serve with the gentleman on the National Security Caucus, and the gentleman does an outstanding job in that. I am going to join the gentleman and the gentleman from Missouri (Mr. SKELTON) and the chairman of the committee in the effort he speaks of, but I believe we ought to perceive this on a bipartisan basis.

I will be speaking about what I think the President's role has been and what Congress' role has been, both parties, in terms of under funding our defense. We have not passed bills that were adequate to the task. The President has not vetoed any bills. We simply have not passed them. I want to work with the gentleman, and I appreciate his comments.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey, Mr. ANDREWS.

Mr. ANDREWS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I begin by offering my congratulations and thanks to the men and women in uniform who have done such a fantastic job in the Balkans. I hope that they and their families are listening and understand the unanimous feeling of pride and support for what they have done.

The question before us this afternoon is what do we do next? This bill offers a good prescription for what not to do next, because if this bill becomes law, on the 30th of September, whatever efforts we are making to sustain the peace that has been won will terminate. Now, that is a shortsighted and I believe irrational approach to solving this problem. So we need to amend the bill.

With all due respect, I do not think we need to amend the bill in the way that our friends from Florida and Indiana have proposed amending it, because they say before we could put peacekeeping forces in, as I understand it, since they are ground forces, there would have to be specific Congressional authorization.

What clearly has happened is that the objectives of this campaign are being realized. The refugees are going home, the Serbian troops are being withdrawn, and the objectives are being realized. To force us to go through a process now where we cannot follow through on this decision that has been made until there has been a debate and vote here I think would be a mistake. It would be an equally grave mistake to tie the President's hands and to terminate his authority on the 30th of September, a truly arbitrary deadline.

The right amendment to support is the Skelton amendment. It says the right thing, that the President in fact should come to this body for a supplemental appropriation and not pay for these operations out of the regular military budget. I agree with that. But it does not make the mistake of unduly tying the hands of the commander-in-chief and restraining him and our military leaders from following through on the peace that has been won with such valor and distinction in the last few weeks and months.

I strongly support the Skelton amendment; oppose the others.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, years ago when George McGovern ran for president, our current President and National Security Adviser worked in his campaign. Sandy Berger supposedly even coined the phrase ''come home America.'' Our boys of the Vietnam era have now grown up. It has gone from come home America to go everywhere America, to stay everywhere America.

We do have the best military in the world. Nobody is disputing that. We are proud of them. But they can only do so much with poorly conceived political strategies.

This is certainly no victory. After 11 weeks of bombing, we have less world stability than when we started. After 11 weeks of bombing, we have a settlement that we probably could have achieved at the beginning. If this is a victory, what would a defeat look like? We are not snatching defeat from the jaws of victory, we are trying to snatch future victories from the jaws of this defeat.

Let me look at the specifics here. We probably have destabilized Montenegro, although hopefully we can get the pro-western government stabilized.

We certainly have put Macedonia at risk, which was a country where all the factions had pulled together, watched their trade get devastated, and now potentially have changed the mix and the politics of Macedonia.

We have set a precedent on autonomous semi-independent republics, and it is not clear whether Kosovo can actually stay under Serbian control. What does this mean for Palestine? What does this mean for the Kurds? Have we taken a foreign policy change and had a potential impact around the world?

What about internal interventions? What does this mean for Chechnya, what does this mean if there are Tiananmen Squares? Are we going to

intervene in other countries, with terrible tragedies and the genocide in those countries. We do not have a clear policy of how and when we are going to intervene.

Furthermore, has this advanced the stability with Russia, has this advanced the stability with China, where we clearly have national interests and world peace interests. I would argue no.

Furthermore, we have disproportionately pinned down our forces in an area of the world where we do not have clear national interests, and where, after 700 or 1,500 or 2,000 years of fighting, we are unlikely at the second we pull out not to see reoccurrences. As long as Pristina is conceived as the Jerusalem of the Serbian people, they are not likely, whether it takes 20 years or 50 years or 200 years, to change that attitude.

Furthermore, why did I say that about the peace settlement? Milosevic remains in power. He keeps his military. Furthermore, we now disarm his enemies, the KLA. We have Russian troops, his friends, as part of the thing. I am not arguing against these points. I am saying this is something that he probably would have taken in the beginning.

Furthermore, it is under UN at this point, under UN control, where China has a veto in the Security Council. We do not even know what the Russian government is going to be like after the next elections, and we probably are going to be there a lot more than 3 months.

So you look at this and say, why is this peace settlement a defeat for Milosevic? He has moved the Kosovars out. He does not have enough Serbians to occupy that whole territory. We are looking at 100,000-some versus 1 million people. He wanted his enemies disarmed, and we are going to do that.

I do not think this in any way can be called a victory.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the NATO mission in Yugoslavia has prevailed over the brutal dictatorship of Slobodan Milosevic. NATO has shown tremendous resolve, tremendous persistence, throughout this crisis. Now that this diplomatic resolution has been reached on NATO's terms, on NATO's terms, this is not the time to show weakness, to cut funding or to damage the unity of the western democracies.

What can the proponents of this bill be thinking by cutting funding for peacekeeping? This is not the Republican party of my father or the Republican party of my grandfather. I learned around the dinner table that the primary rule of foreign policy was politics ends at the water's edge.

The modern Republican Party in this House seems to have forgotten that lesson. They seem to be setting foreign policy on personal considerations and a personal hatred for the President of the United States.

Important challenges continue to face us in Yugoslavia. We have got to return the refugees and house them and clothe them and feed them by winter. We have got to avoid partition of Kosovo. We have got to make sure that Milosevic does not receive immunity for his war crimes, and Serbia must not receive international aid until Yugoslavia becomes democratic.

What we have achieved is that NATO has shown it is willing and able to keep the peace in Europe. Until now they have been a defensive alliance. For the first time they have had to act militarily, and they have succeeded, they have prevailed, and they will keep the peace in Europe.

The central question here all this century has been do free peoples in democracies have the self-discipline to prevail against dictatorships and all the coercive power they can bring to bear? In this century we have answered that question affirmatively, in two world wars, in the Cold War, and now in Yugoslavia.

It is no time to step back. Support the Skelton amendment.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. GOSS), the chairman of the House Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Chairman, I thank the distinguished chairman for yielding me time.

Mr. Chairman, I believe it is not only prudent but part of a vital duty for this Congress to continue to discuss national security and policy questions relating to our ongoing operations in Kosovo. As part of this debate, I believe we must take a longer view of our foreign policy goals using lessons learned in this current crisis. In a nutshell, what does our intervention in Kosovo imply for our foreseeable future as the world's dominant power? And we are.

Consider that NATO attacked a sovereign country that offered no military threat to the members of the alliance. Consider that NATO justified its attack on the basis of morality rather than self-defense, and NATO limited the accuracy and effectiveness of its attack to those measures that presented the least risk to NATO participants, even though this format predictably caused innocent civilians' deaths.

Where do these actions as a precedent take us? Who else has the ''right'' to mount such an attack? China? Russia? The Organization of African Unity? Some other power? Some rogue Nation?

Where else should NATO attack? The principles of morality have no geographic boundaries. We know that. For every ethnic cleansing in the Balkans, there will be several more, in Africa, Indonesia, any other headline you want to pick in the paper. How can NATO not intervene in the next Liberia, Rwanda or East Timor?

□ 1245

How committed are we to such attacks? Have standoff smart bombs become NATO's version of diplomatic demarche? Is this what we do every time negotiations stall at the bargaining table?

Underlying all these questions is the one most fundamental: What effect do such activities have upon our national security? I have, as chairman of the House Permanent Select Committee on Intelligence, seen a divergence of the intelligence capabilities and assets towards the Balkans that has left much of the intelligence field elsewhere empty.

What then is the end game for this and for future Kosovos? What is the lesson?

I have two recommendations on how to get there. First, I suggest we look with the wisdom of hindsight at the role of NATO in attacks other than for self-defense. I believe that the citizens of NATO countries support our purely humanitarian operations outside our territory, but I have less assurance that after the bloodshed on the ground in Yugoslavia, they will so readily support a military attack outside our territory unless it is in clear self-defense.

Second, I urge that any future interventions never again leave our national security, the United States of America, so vulnerable to surprise and to compromise. We must not allow such efforts to leave us vulnerable to unanticipated crises with our friends or with our adversaries.

We must, in short, have an intelligence and national security structure sound enough and broad enough to handle any such matters as Kosovo, if that is what the future portends, and still stand watch around the world in defense of our national security, which is the number one purpose, the number one duty, and the number one objective of our military.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, the critics were wrong. The headline in today's paper says, ''Kosovo Pullout to Start Today.'' NATO's 11-week, 78-day campaign to stop the genocidal policies of Slobodan Milosevic in Kosovo is producing the results we sought. Today's pullout is the first step towards a complete victory.

As William Kristol and Robert Kagan wrote this week in the Weekly Standard, the victory in Kosovo should send

a message to would-be aggressors that the United States and its allies can summon the will and force to do them harm.

Syndicated columnist William Safire hit the nail on the head when he wrote recently, ''International moral standards of conduct, long derided by geopoliticians, now have muscle,'' said Bill Safire. Why? Because of NATO's unified, unwavering action in Kosovo.

The threat of a NATO ground invasion had a decisive impact on the butcher of Belgrade. Not surprisingly, Milosevic capitulated as President Clinton consulted his military advisers on options for ground troops.

Like the cowardly bully who picks on the weak and defenseless, Milosevic caved when he knew there would be no escape. President Clinton's resolve on the Kosovo crisis has enhanced the credibility of the United States and the Atlantic Alliance throughout the world.

Finally, let me state, our efforts to secure a peace in the Balkans are not over. Milosevic has properly been branded as a war criminal by the International War Crimes Tribunal in the Hague, and he must be held accountable. Our credibility has been enhanced, NATO has been strengthened, a brutal dictator has been repulsed, and the cause for human rights has been advanced. If those are not good causes, I do not know what are.

In that context, Mr. Chairman, I urge that we adopt the Taylor amendment, I urge that we adopt the Skelton amendment, and I urge that we reject the Souder and Fowler amendments, which will declare defeat, not victory, which is appropriately our task today.

Mr. Chairman, the doomsayers and the critics were wrong. The banner headline on today's Washington Post says it all: ''Kosovo Pullout Set To Start Today.''

NATO's 11-week, 78-day air campaign to stop the genocidal policies of Slobodan Milosevic in Kosovo is producing the results we sought.

Today's pullout is the first step toward complete victory.

Soon we will be able to count these as our accomplishments:

Success in providing the 1.3 million Kosovars who have been forced to flee their own country or displaced within the province with a safe re-entry to their homeland.

Success in stabilizing this most unstable region of Europe.

And, of utmost importance, success in vindicating the credibility of NATO—and the United States—in rejecting and punishing Milosevic's unbridled barbarism.

As William Kristol and Robert Kagan wrote this week in the Weekly Standard: the victory in Kosovo should ''send a message to would-be aggressors that . . . the United States and its allies can summon the will and the force to do them harm.''

With the Serb invaders retreating and the NATO peacekeepers ready to restore order, it's not too soon to consider the lessons in this campaign and what still must be done.

First, NATO's air campaign in Kosovo decisively demonstrates that the alliance can engage in military action to protect basic human rights and to deter aggression on the European continent.

This policy is not just the right thing to do—it's a strategic imperative.

Syndicated columnist William Safire hit the nail on the head when he wrote recently: ''International moral standards of conduct, long derided by geopoliticians, now have muscle.'' Why? Because of NATO's unified, unwavering action in Kosovo.

Would-be aggressors everywhere have this message ringing in their ears—don't do it.

If you take aggressive, hostile action against others, you may pay a very steep price indeed.

Further, we have learned that our awesome military might—coupled with the will to use it—provides a very real strategic advantage.

Clearly, the threat of a NATO ground invasion had a decisive impact on the butcher of Belgrade—Slobodan Milosevic.

Not surprisingly, Milosevic capitulated as President Clinton consulted his military advisers on options for ground troops.

Like the cowardly bully who picks on the weak and defenseless, Milosevic caved in when he knew there would be no escape.

President Clinton's resolve on the Kosovo crisis has enhanced the credibility of the United States and the Atlantic Alliance throughout the world.

We make good on our word.

American credibility is a strategic asset of the highest order and well worth fighting for.

Finally, let me state our efforts to secure peace in the Balkans are not over.

Milosevic has properly been branded as a war criminal by the International War Crimes Tribunal at The Hague.

And he must be held accountable.

Our policy goal now should be his removal from office.

But we should encourage the Serbs to remove Milosevic and the brutal leaders who have caused this unnecessary suffering and misery.

Serbia also must be clear about this: so long as Milosevic remains in power, it will not receive financial assistance for its reconstruction.

Mr. Speaker, like some of my colleagues who have traveled to Macedonia and Albania, I have seen the devastating consequences of genocide.

These images have been seared into my memory forever.

We will not always be able to intervene to stop injustice wherever it occurs.

But we have laid down a powerful precedent in Kosovo.

Our credibility has been enhanced, NATO has been strengthened, a brutal dictator has been repulsed, and the cause for human rights has been advanced.

If those are not good causes, I frankly don't know what are.

I urge my colleagues to adopt the Taylor and Skelton amendments and reject the Souder and Fowler amendments.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I thank the gentleman for yielding time to me.

I wanted to respond to one allegation we heard here on the floor today, that what is in the bill under the chairman's language would cut the funds and pull back peacekeepers, once they are in place. I believe such comments are disingenuous and the allegation is false.

The emergency supplemental that we passed here on the floor is not only for 1999, but also for the 2000 cycle. So as we move through the 1999 cycle and we finish, and now we begin the October 1, the funds are not cut off. Yes, there were funds there through the emergency supplemental, but those funds were really used to pay the accounts and pay for the weapons and ammo and other things for the operations.

Can they reprogram? Yes. But what we would like and prefer is for regular order. That would be for the President to offer the amendment, a budgetary amendment in 2000, and to do that with offsets that are nondefense offsets and do not spend the social security surplus.

That is the obligation the Republican Congress has taken up: for every dollar of surplus, we will not spend it. That is what we request of the President.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the ranking member for yielding time to me.

Mr. Chairman, I rise today in strong support of the Skelton amendment, and would strongly encourage my colleagues to oppose the Fowler and Souder amendments. I believe those are the wrong amendments at the wrong time when we are on the brink of peace in the Balkans. I believe that the NATO policy in Kosovo has been the right policy for the right reasons at the right time.

There were two overriding concerns that got the NATO democracies involved in the Balkans.

One of these, and not least of which, was the importance of trying to contain the conflict so it did not spread into other countries and ultimately result in much greater cost and greater sacrifice to the western democracies later.

But the overriding one, Mr. Chairman, was the humanitarian and moral concerns involved in trying to help the Kosovar families and end the atrocities.

We were reminded by Elie Wiesel what this was all about. When he was asked about the NATO air strike campaign in the Balkans, he responded, listen, the only miserable consolation the people in the concentration camps had during the Second World War was the belief that if the western democracies knew what was taking place, they would do everything in their power to try to stop it, bomb the rail lines and the crematoriums.

Unfortunately, history later showed that the western leaders did know, but did not take any action. This time it is different. This time the western democracies do know what is going on, they are taking action, they are intervening. This time, he said, we are on the right side of history.

Mr. Chairman, we woke up this morning with the news that the first Serb troops are being withdrawn from Kosovo. The policy is working. I think credit should be given where credit is due. It was through the perseverance and unity of all 19 democratic nations of NATO that forced Milosevic to capitulate and end the atrocities in Kosovo.

Now we are at the dawn of a new era of peace in the Balkans. Let us hope it is a peace that sees the eventual removal of Milosevic from power, that sees true democratic reforms take place so the Balkan countries can eventually join the European Union, the community of democratic nations, and perhaps even the NATO alliance itself.

A pipe dream? An illusion? I do not think so. Who among us could have predicted that within 10 short years, some of the most repressive Communist regimes in all of Europe would be today flourishing democracies, members of the European Union and NATO itself?

The same can happen in the Balkans. Let us give this policy of peace in the Balkans a chance.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, NATO has achieved not a victory but a cessation of war, for now. It is important that Congress maintain a tight rein on the administration's policy in the Balkans through not providing a blanket authorization past September 30, which the Skelton amendment would effect.

The agreement that was signed is significant for what it does not say. The KLA was not a party to the agreement. The KLA is not even mentioned in the text of the agreement. The agreement does not limit the types and quantities of weapons the KLA must turn in. The agreement does not require the KLA to turn in rifles and machine guns purchased in Albania and on the black market.

Keep in mind the KLA's goal is still an independent Kosovo. They will not accept NATO's new goal of autonomy. They will return to the province well armed and well protected.

The agreement also provides for Yugoslav forces to be allowed back into Kosovo, but it does not say when. This agreement may have established a fertile ground for more war. This agreement could exchange the ill-fated and ill-advised quest for a greater Serbia for an ill-fated and ill-advised quest for a greater Albania.

It is urgent that Congress keep control in such an undefined and unpredictable environment created by an undefined agreement. Our young men and women could end up trapped in a ground war in Kosovo. Our young men and women could end up in a circular firing squad between an armed KLA and Serbs, Serb units trying to get back into the province.

Only congressional oversight will keep America from getting deeper and deeper into a reignited war between the KLA and Serbia. That is why I am going to support the Fowler and Souder amendments.

The administration already has funds appropriated for peacekeepers and military. There is no cut in funds being affected here. The Skelton amendment will permit the administration to have more authority to use money to send in troops or peacekeepers after October 1. This is June 10. Vote against the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DeFAZIO. Mr. Chairman, the Skelton amendment would allow a legitimate and proportionate role in peacekeeping, 7,000 troops. Earlier the gentleman from Indiana questioned whether that would stretch our forces too thin, whether they were overextended.

I do not believe the short-term commitment of 7,000 peacekeepers is an overextension. But the thoughtless, nonstrategic, nontactical permanent garrison of 100,000 troops in Europe is expensive and does overtax our military resources.

Ask a military strategist, why a permanent garrison of 100,000 troops in Europe? They say, well, to show commitment to Europe. I think we have shown commitment. Commitment to what, I might ask? To subsidizing and offsetting the legitimate defense obligations of our allies in Europe?

For years we were poised to repel an attack through the Fulda Gap. The only invasion going on in Eastern Europe into the former Soviet bloc involving the Gap is an invasion by a U.S.-based clothing store into that area. There is no threat from the Soviet bloc any longer. We no longer need to permanently garrison 100,000 troops in Europe.

Support the later vote on the Shays-Frank amendment to phase down our obligation to 25,000 troops, and help our military to husband its resources so they can serve their core obligations to defend our Nation against real threats.

That would be a vote here. If Members are really concerned about the military being stretched too thin, vote to stop that permanent, thoughtless, anachronistic deployment of 100,000 troops.

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, a peace has been negotiated in Kosovo, and are we not relieved? And are we not proud of our troops, and are we not proud that we did not do this in a unilateral effort, it was a multilateral effort?

But at the same time, we must not overlook the United States' share of the burden to reach this agreement. In this effort, the United States forces have flown about 65 percent of the air sorties, including combat and support operations. The U.S. is also providing at least 25 percent of refugee and migration assistance, shouldering the major burden of the Kosovo conflict.

Even when this conflict is right in their own backyard, as the situation in the Balkans takes its toll, many of our allies are continuing to enjoy higher standards of living than our constituents, the American people. These nations can support education, health care, child care, and vital social programs because we pay their military bills.

□ 1300

Our Europeans have gotten used to the American taxpayer picking up the tab for their defense. When they are allowed to do this, we cheat our children, we cheat our seniors, we cheat ourselves.

Mr. Speaker, the time has come for our allies to pay their fair share and come to the United States with that share so that we can invest in our children, our seniors, and our environment. Vote for Shays-Franks this afternoon.

Mr. SKELTON. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Chairman, the Yugoslav surrender is the first mark of hope in a long time for more than a million Albanian Kosovars. The horror that they have endured has ignited outrage around the world.

In a recent trip that I took with some of my colleagues to Albania and Macedonia and to the border of Kosovo, I talked with refugees coming and streaming across the border and into the camps.

I talked with one 16-year-old boy who told me he watched in horror as the paramilitary police tore the eyes out of his father's head.

I talked to a woman who told me how they came into her home, took her jewelry, stole her money, took her documents, and then ordered her out of the House as they burned her house with her mother and father still in it.

I talked to a woman, who had five children, who told me they could not get food for 4 days. They were locked in their house, afraid to go out because of the troops. When they sent the grandfather, who volunteered to go out to get them food, he was executed in the street.

The horrors go on and on and on. From a moral perspective, Mr. Speaker, America and our NATO allies had

no choice but to hit Milosevic, hit him hard, hit his forces in Kosovo hard in order for them to withdraw.

Now, this has not been easy, nor without controversy. Military action never is. I respect those in the House whose opinions differ from mine. Each of us must answer to our own conscience in these very difficult issues.

I want to thank those Members on this side of the aisle who, under tremendous pressure, stood firm in their support for this policy. I believe their resolve has been vindicated.

The Speaker was in a difficult decision in terms of his own conference pulled one way and the other way, and he stood up at various times throughout this process and helped move it forward, I think, in a positive way. I only hope today that he will stand up again.

I regret to say, though, there are those who have tried to politicize the war. For more than 2 months, they have rallied against this war, they have called it, quote-unquote, the Clinton-Gore war. This was America's effort, not the Clinton-Gore war, America's effort to say never again. It was our effort to try to say to those who were trying to commit ethnic cleansing, no, you cannot do that. We will not sit idly by.

Now these forces are attacking the peace. Our troops are still engaged. Their lives are at risk. From the beginning of this conflict, the brave men and women of America's armed forces have performed magnificently. They have answered the call of duty with tremendous bravery and skill and determination. We owe it to them to support their critical work in the months ahead.

This House of Representatives has not handled, in some instances, this matter with dignity. We have sent contradictory signals throughout the past several months. We have been divided too long. But today we have a chance to set aside these divisions.

This is an historic moment for NATO and for the strength of our alliance. Let us come together today in this House. Let us support the peace process. Let us recognize that America has once again stood tall for the values that our great-grandparents, our grandparents, our fathers and mothers stood for when they fought in the First and Second World Wars in Europe.

The road ahead will be arduous. It is not going to be easy. Kosovo must be secured, and nearly half a million of their people must be settled in their homes. We owe it to those who fought bravely for us and to those who have been persecuted so much, we owe it to finish this thing in a responsible way.

It will not be finished by September. Cutting off their funding would only undermine their mission, even as they stand on the bridge of success. So let us support our troops and let us support a strong peace.

I urge my colleagues to vote yes on the Skelton amendment and no on the Fowler and the Souder amendments.

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

Let me just say a couple of things here. First, the devil is in the details. Mr. Milosevic has burned every village in Kosovo, or almost every village, and the simple fact is that he is now going to stop burning, now that there is nothing left, is not necessarily a victory.

I have two staff members who, as volunteers, have delivered some 20,000 packages of food and medicine to the refugee camps. They report to me that massive numbers of men are missing. By British estimate, I believe it is, 100,000 men from the Kosovar peasant population. We need to know what has happened to those men. Have they been executed? Are there mass graves? Are they in the custody of Serbs?

So the Serbs are moving back, in theory, or moving back into Serbia, but many questions remain.

But a very important thing has happened here, Mr. Chairman. The ranking member has informed me that the President has called just a few minutes ago and said, in response to our concerns, that he is not going to spend any readiness money on reconstruction or on peacekeeping operations, but that he will come to us with a supplemental appropriations request.

Mr. Chairman, I yield, and I would like the gentleman from Missouri (Mr. SKELTON) to make that clear.

Mr. SKELTON. Mr. Chairman, yes, I will restate what the President told me just briefly a few moments ago. First is that he fully intends to ask for a supplemental from the Congress for peacekeeping.

Second, after I raised the matter of timeliness with him, he said he fully intends to ask for it well before September 30.

Third, he said it is not his intent to use any readiness funds that we are authorizing and appropriating for peacekeeping.

Mr. HUNTER. Mr. Chairman, reclaiming my time, I thank the gentleman for the clarification, and I hope he will work with me and other members on both sides who are concerned about getting our ammunition stocks back to where they need to be. I know the gentleman knows they are very low right now.

Mr. SKELTON. Mr. Chairman, if the gentleman will yield, that is the reason I left section B out of my amendment. It has always been my intent that there should be a supplemental request and now, of course, fortunately, it is just for peacekeeping as opposed to both combat and peacekeeping.

Mr. HUNTER. Mr. Chairman, I think that makes very, very clear the point of the gentleman from South Carolina (Mr. SPENCE), which was that the President had put nothing for peacekeeping in this defense bill. So the logical deduction was that any peacekeeping, absent a supplemental, had to come out of ammunition, had to come out of readiness; and that is something that would have disserved the country.

I appreciate the gentleman from Missouri (Mr. SKELTON) for explaining the President's recent statement.

Mr. UNDERWOOD. Mr. Chairman, there is no doubt that the underlying bill is worthy of support. However, the language contained within, which prohibits funds from being utilized for Kosovo operations next year, will destroy the faith in the peace accords that were just yesterday agreed to.

Section 1006, as drafted by the Republican majority, will prohibit any funding authorized under this act from being used for the current NATO operations in Kosovo. While almost impossible to enforce and monitor, this section has a demoralizing effect upon the morale and welfare of our troops engaged in the NATO operations. This section is completely unnecessary and sends the wrong message to our allies and troops. I applaud Congressman SKELTON's efforts to strike this language.

The insidious language built into this bill is there for the purpose to embarrass the President and his efforts to broker peace in the Balkans.

As this operation was conducted on the basis of coalition forces, it is absolutely essential that American forces participate without any hesitation. This spending "road block" may prevent military peace keeping planners and commanders from placing necessary equipment in place to do the job and do it right.

Mr. Chairman, I can appreciate that many may fear that this unforeseen operation would place extra burdens on our troops. I can also appreciate that the President must be reminded that he should not pay for this operation out of hide. But by pinching off this artery of military funding, we are removing the flexibility of our commanders to make deployment decisions based on practical military and peace keeping operations. That is irresponsible.

Furthermore, Mr. Chairman, I do not understand the rhetoric on this debate about the need to "protect the funding of our military." I would ask my colleagues in opposition to simply read the amendment. That is precisely what Mr. SKELTON's amendment does—it asks that the President return to this body to seek additional funds for Kosovo operations.

Additionally, I do not understand the rhetoric over "winning" or "losing" in terms of Operation Allied Force. There was no real victory—thousands of Kosovars have been killed in a Serbian campaign of genocide—and there was no real defeat—Belgrade has capitulated and accepted the peace accords that will bring a durable armistice to the Kosovo region. Indeed what we do have is success—the success of President Clinton and his leadership, the success of NATO, and the success of a measured response—air power—to a complex situation that was engineered by a now indicted war criminal, Yugoslavian President, Milosevic. My dear colleagues, let us not turn this success into failure.

Mr. Chairman, by passing the Skelton amendment, Congress will send two strong messages: First—we let our NATO allies know that our full resources are behind the peace accord 1000 percent. Second—we let the Administration know of our strong concern to not let this peace keeping operation further degrade the readiness of our military. The President should return to Congress for an Emergency Supplemental next year to pay for this peace accord and our role within it. Mr. Chairman, let's choose leadership over fear and pass the Skelton Amendment.

The CHAIRMAN. All time for general debate has expired.

It is now in order to consider the last five amendments printed in part A of House Report 106–175 which shall be considered in the following order: Amendment No. 17 offered by the gentleman from Mississippi (Mr. TAYLOR), Amendment No. 18 offered by the gentleman from Indiana (Mr. SOUDER), Amendment No. 19 offered by the gentleman from Missouri (Mr. SKELTON), Amendment No. 20 offered by the gentlewoman from Florida (Mrs. FOWLER), and Amendment No. 21 offered by the gentleman from Connecticut (Mr. SHAYS), the gentleman from Massachusetts (Mr. FRANK), the gentleman from California (Mr. ROHRABACHER), the gentleman from California (Mr. CONDIT), the gentleman from California (Mr. BILBRAY), the gentleman from Florida (Mr. FOLEY) or the gentleman from Michigan (Mr. UPTON).

It is now in order to consider Amendment No. 17 printed in House Report 106–175.

AMENDMENT NO. 17 OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 17 offered by Mr. TAYLOR of Mississippi:

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. ___. OPERATIONS IN THE FEDERAL REPUBLIC OF YUGOSLAVIA.

(a) FINDINGS.—Congress makes the following findings:

(1) Article I, section 8 of the United States Constitution provides that: ''The Congress shall have Power To . . . provide for the common Defence . . . To declare War. . . To raise and support Armies . . . To provide and maintain a Navy . . . To make Rules for the Government and Regulation of the land and naval Forces . . .''.

(2) On April 28, 1999, the House of Representatives by a vote of 139 to 290, failed to agree to House Concurrent Resolution 82, which, pursuant to section 5(c) of the War Powers Resolution, would have directed the President to remove United States Armed Forces from their positions in connection with the present operations against the Federal Republic of Yugoslavia.

(3) In light of the failure to agree to House Concurrent Resolution 82, as described in paragraph (2), Congress hereby acknowledges that a conflict involving United States Armed Forces does exist in the Federal Republic of Yugoslavia.

(b) GOALS FOR THE CONFLICT WITH YUGOSLAVIA.—Congress declares the following to be the goals of the United States for the conflict with the Federal Republic of Yugoslavia:

(1) Cessation by the Federal Republic of Yugoslavia of all military action against the people of Kosovo and termination of the violence and repression against the people of Kosovo.

(2) Withdrawal of all military, police, and paramilitary forces of the Federal Republic of Yugoslavia from Kosovo.

(3) Agreement by the Government of the Federal Republic of Yugoslavia to the stationing of an international military presence in Kosovo to ensure the peace.

(4) Agreement by the Government of the Federal Republic of Yugoslavia to the unconditional and safe return to Kosovo of all refugees and displaced persons.

(5) Agreement by the Government of the Federal Republic of Yugoslavia to allow humanitarian aid organizations to have unhindered access to these refugees and displaced persons.

(6) Agreement by the Government of the Federal Republic of Yugoslavia to work for the establishment of a political framework agreement for Kosovo which is in conformity with international law.

(7) President Slobodan Milosevic will be held accountable for his actions while President of the Federal Republic of Yugoslavia in initiating four armed conflicts and taking actions leading to the deaths of tens of thousands of people and responsibility for murder, rape, terrorism, destruction, and ethnic cleansing.

(8) Bringing to justice through the International Criminal Tribunal of Yugoslavia individuals in the Federal Republic of Yugoslavia who are guilty of war crimes in Kosovo.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Mississippi (Mr. TAYLOR) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. TAYLOR).

MODIFICATION TO AMENDMENT NO. 17 OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I ask unanimous consent that the amendment be modified in the form at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification offered by Mr. TAYLOR of Mississippi—

In the text of the matter proposed to be inserted, strike clauses 2 and 3.

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

Mr. HUNTER. Mr. Chairman, reserving the right to object, I would simply like to ask the gentleman from Mississippi (Mr. TAYLOR) to explain his modification.

I yield to the gentleman from Mississippi (Mr. TAYLOR) for that purpose.

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the gentleman from California (Mr. HUNTER) for yielding to me, and I very much appreciate his previous remarks about the willingness to work with all parties to see to it that the military is adequately funded while we ensure the victory that has been won.

As the gentleman knows, we began this debate 2 weeks ago. At that time, American armed forces were at war, as far as I am concerned, with the Yugoslav army and Serbians. Because of the Memorial Day district work period, because of the other delays in getting this vote to the floor, a great many things have happened, all, in my opinion, good for the United States and good for NATO and good for the good guys, the forces of peace in the world.

One of the things that was included in the original motion was to have Congress admit that a conflict does, indeed, exist between the United States of America and Yugoslavia. Because of the good news that came out of the Balkans yesterday, that is no longer necessary.

A second portion that the gentleman from California (Mr. CAMPBELL) and others might have found offensive was a reminder of Congress' failure to act on this matter before.

At the request of the gentleman from California (Mr. CAMPBELL), I am removing those two portions. The first one makes absolute sense because, thank goodness, we are no longer involved in armed conflict with the people of Yugoslavia.

The second one, I must admit, was probably done, I felt, to help strengthen the cause of what needed to be done then when we were still in conflict and no longer is necessary. So, therefore, I have agreed to remove it at the request of the gentleman from California (Mr. CAMPBELL).

The CHAIRMAN. The Chair requests that the gentleman from Mississippi (Mr. TAYLOR) provide another copy of his proposed modification to the Chair.

The Clerk will rereport the modification.

The Clerk read as follows:

Modification to part A amendment No. 17 printed in House Report 106–175 offered by Mr. TAYLOR of Mississippi:

In the text of the matter proposed to be inserted, strike the section heading and all that follows through the end of paragraph (a) and insert in lieu thereof the following:

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. GOALS FOR THE CONFLICT WITH THE FEDERAL REPUBLIC OF YUGOSLAVIA.

(a) FINDING.—Article I, section 8 of the United States Constitution provides that: ''The Congress shall have Power To . . . provide for the common Defence . . . To declare War . . . To raise and support Armies . . . To provide and maintain a Navy . . . To make Rules for the Government and Regulation of the land and naval Forces . . .''.

(b) GOALS FOR THE CONFLICT WITH YUGOSLAVIA.—Congress declares the following to be the goals of the United States for the conflict with the Federal Republic of Yugoslavia:

(1) Cessation by the Federal Republic of Yugoslavia of all military action against the people of Kosovo and termination of the violence and repression against the people of Kosovo.

(2) Withdrawal of all military, police, and paramilitary forces of the Federal Republic of Yugoslavia from Kosovo.

(3) Agreement by the Government of the Federal Republic of Yugoslavia to the stationing of an international military presence in Kosovo to ensure the peace.

(4) Agreement by the Government of the Federal Republic of Yugoslavia to the unconditional and safe return to Kosovo of all refugees and displaced persons.

(5) Agreement by the Government of the Federal Republic of Yugoslavia to allow humanitarian aid organizations to have unhindered access to these refugees and displaced persons.

(6) Agreement by the Government of the Federal Republic of Yugoslavia to work for the establishment of a political framework agreement for Kosovo which is in conformity with international law.

(7) President Slobodan Milosevic will be held accountable for his actions while President of the Federal Republic of Yugoslavia in initiating four armed conflicts and taking actions leading to the deaths of tens of thousands of people and responsibility for murder, rape, terrorism, destruction, and ethnic cleansing.

(8) Bringing to justice through the International Criminal Tribunal of Yugoslavia individuals in the Federal Republic of Yugoslavia who are guilty of war crimes in Kosovo.

The CHAIRMAN. Does the gentleman from California (Mr. HUNTER) continue to reserve the right to object?

Mr. HUNTER. Yes, Mr. Chairman.

Further reserving the right to object, I yield to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I simply wish to be clear and offer the gentleman from Mississippi (Mr. TAYLOR) a chance to respond if he would be so kind. First of all, I express gratitude to the gentleman from Mississippi for his kindness. Secondly, I express admiration to him for his consistency. Though we disagree on the policy in Kosovo, I note that the gentleman and one other Member of our body had the courage of his convictions to recognize that what was happening was war and to so vote when I brought a resolution to the House floor on April 28. I admire him for that. I have so said so publicly and I repeat it today.

I wish to be clear, and I ask the gentleman from Mississippi if he would be so kind as to make it clear that the purpose of his unanimous consent to remove clauses 2 and 3 in his amendment is to prevent any possible implication of relevance to the pending litigation one way or the other, which I commenced with other Members of the Congress regarding the legality of this war.

Mr. HUNTER. Further reserving my right to object, I yield to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, let me return the compliment to the gentleman from California (Mr. CAMPBELL). I thought it was of the utmost importance that this body, which has the constitutional duty to declare a war, had to vote on that issue. It was the gentleman from California (Mr. CAMPBELL) that forced that to happen on the House floor.

Although I regret the outcome of that vote, we did at least what the Constitution says that we were supposed to do, which was to vote on that. I have no intention of trying to do anything legislatively that affects the outcome of the gentleman's lawsuit or any other lawsuit.

As the gentleman knows, as Members of Congress, things I have to remind my constituents on on a regular basis, that we are barred by law from getting involved in anything that involves another person's litigation as Congresspeople.

So, therefore, I certainly do not want to adversely affect the gentleman's suit in any way. If this helps the gentleman to accomplish his goals, which is to clarify the War Powers Act, and reestablishes Congress' constitutionally mandated duty to declare a war that is our decision, then I want to see to it that that happens.

Mr. HUNTER. Mr. Chairman, further reserving my right to object, I yield to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman from Mississippi (Mr. TAYLOR), and I renew my expression of high regard for him. We share this common goal.

Mr. HUNTER. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the modification offered by the gentleman from Mississippi?

There was no objection.

The CHAIRMAN. The Chair recognizes the gentleman from Mississippi (Mr. TAYLOR) for 15 minutes.

Mr. TAYLOR. Mr. Chairman, 2 weeks ago yesterday, an extremely high-ranking member of the American forces in Europe took the time to visit, at our request, the gentleman from Missouri (Mr. SKELTON) and myself.

□ 1315

At that time, that extremely high-ranking American officer expressed his concern that the Congress really had not gotten behind this effort, and he felt that it was bad for morale, bad for the troops and quite possibly could affect the outcome of the conflict.

The question, as I recall, from the gentleman from Missouri (Mr. SKELTON) was what can we do; how can we help? If I recall, that officer, being the good officer that he is, he said that is not my place to tell Congress what to do. So, then, a suggestion was made by the gentleman from Missouri, well, what if we came out for something? What if after all this time, and at that time it had been over 45 days, Congress finally says what we are for in this conflict? That extremely high-ranking officer said, yes, that would help; the troops need to know that Congress is for something.

He then went on to say that it would probably be helpful to say that we are for the goals already articulated by NATO. And at some point someone said, well, what about the war criminals; what about the ones who made this happen? Should they not be held accountable? The answer was yes, they should be, and that should be one of America's goals. With that in mind, the gentleman from Missouri and I drafted this amendment.

I want to take the time to compliment the new Speaker of the House. He may not even remember the conversation, but 2 weeks ago today, as the rule for this bill appeared to be going down, I took the time to ask the Speaker to sit right there, explained to him what had happened, and told him how important I thought it was that America's Congress, if the 435 elected representatives of the people elected just last November, express what we are for in this conflict. I do not think it is a coincidence that we are where we are today, and I do thank the Speaker for what I think is his help in seeing that this will happen.

The amendment before my colleagues takes the stated goals of NATO and adds to them two additional goals. Number one, Slobodan Milosevic, who by all accounts has now started four wars, one in Slovenia, one in Croatia, one in Bosnia, one in Kosovo, be held accountable for the rapes, the murders, the torture and the destruction caused by him and his lackeys in four wars.

I took the time to research the Gulf War debate from January of 1991. I took the time to see what many of my colleagues said then. In almost every instance they talked about the rapes, they talked about the murders, they talked about innocent lives being taken by a brutal dictator and his henchmen. It is the same thing now.

We are the good guys. And as many of my colleagues have reminded their other colleagues, yes, we cannot be the policemen for the world, but there are some things that we can do. And those things we can do, we should do. And to quote the preacher at Walter Jones, Sr.'s funeral, ''And with the help of God, we will do.''

We have proven in Bosnia there are some things we can do. The highest reenlistment rates in the United States Army come from people who have just been to Bosnia, because they know they are doing good things.

A couple of years ago I went over there fully intending to come home with a notebook full of stories of why we should not be in Bosnia. I took the time to stay at the mess halls and visit with the kids. A young kid from Ocean Springs, Mississippi, not knowing my agenda, just told me what was on his mind. His name was Chuck Rhodes. Should we be here? Yes. Why? Because I am keeping women from getting raped, I am keeping little kids from

getting tortured, I am keeping old people from being drug out of their houses and murdered. That is why I joined the United States Army, to be a good guy.

He said it more clearly than any Secretary of State, any admiral, any general, any President. In five sentences he articulated what we are trying to do as a Nation. It is about time that this Congress, which is given the constitutional duty to provide for the troops, to provide for the common defense, to raise and support armies, to provide and maintain a navy, to make rules for the government and regulation of the land and naval forces. That is what this is all about. We are making the rules for the peace in Bosnia. And I regret that we are 60 days late, but it is never too late to do the right thing.

So I would ask all of my colleagues, regardless of whatever hesitation that they may have had before this started, to recognize the fact that Bill Clinton did not win this war, Madeleine Albright did not win this war, the brave young Americans who flew over 30,000 sorties, and put their lives on the line every time they did so, they won this war. Let us do not give away the peace that they have won. And let us say as a Nation this is what we are for, and that since they have been willing to put their lives on the line to let it happen, let us as a Congress make sure that it does happen.

So I ask all of my colleagues, regardless of whatever hesitations they might have had before, let us be for this. Let us be for taking a communist tyrant who has raped people, murdered people, forced parents to have sex with their own children at gun point, thrown so many bodies in the rivers of Yugoslavia that the turbines in the hydroelectric plants clogged with their corpses, let us see to it that they are brought to justice and that we send a message as a Nation that people who do those sorts of things will be held accountable and we are not going to let it happen again.

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

The CHAIRMAN. Does any Member seek the time in opposition to the amendment of the gentleman from Mississippi?

Mr. HUNTER. Mr. Chairman, I claim the time set aside for the opposition.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. HUNTER) for 15 minutes.

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

Let me just say to my colleague, as a Member who did vote to support the air operation, and who has a number of members of my staff working as volunteers to try to help the people who have been oppressed, who have been moved out of Kosovo, that we are not home free; that this is a very, very difficult situation; that it can be argued very strongly that Mr. Milosevic has accomplished most of his foreign policy goals, if in fact those goals were to destroy the homes and the livelihoods of the ethnic Albanians in Kosovo. Very clearly, that has been almost entirely accomplished. I have not gotten the latest reports, but my understanding is that most of the villages, and which a substantial majority of Kosovo is ethnic Albanian, have in fact been burned. There are not many villages, if any, left to burn.

Now, my friend talked about the troops and about the wonderful performance of our men and women in this air war. Let me just reiterate this point, because I do not think it can be reiterated enough. I do not think many of those folks watch us on television, and I do not think many of them read the CONGRESSIONAL RECORD. I think the place where they see the manifestation of our support or lack of support is in several ways: One, when they sit at the breakfast table with their wives and their children and they look at their paycheck and they notice that their paycheck is now 13 percent on the average less than the paycheck on the outside. That means if they are an electronics technician in the Navy that they are making 13 percent less than if they were working in the private sector. I think that says something to them about how important they are to us.

Secondly, when they go out on operations and they discover that they do not have the right type of preferred ammunition, and in some cases they know the ammunition stocks are almost gone, that says something to them about their prioritization within this House of Representatives.

And lastly, when they have to climb into that piece of equipment, whether it is the B–52 bomber that the Clinton administration now says we will fly until they are 80 years old, instead of new equipment, instead of a B–2, for example, or even a B–1, that says something to them also. I think whether a person works for a trucking company or whether they work for the U.S. Air Force, the age of the equipment that person is supplied with to work with has a large effect on their morale.

Now, we all know now that this budget that the President submitted for this year did not put a dime in for the Kosovo operation, so that led us to the inescapable conclusion that if the President was going to start a peacekeeping operation, he was going to start doing what he has done in the past, which is dipping into the cash register and taking ammunition money and taking pay money and taking readiness money out of that cash register to pay for an ongoing operation. We want to make sure that does not happen. And I think the gentleman from Missouri (Mr. SKELTON) wants to make sure that does not happen also.

So let me say a couple of things. First, the devil is in the detail with respect to the Kosovo operation. I want to know what has happened to the 100,000 men, and I believe that is the British estimate of men who are missing from their family groups. And my own staff stood there at the Albanian border and watched thousands of women and children come across with no men, and almost all those families had stories of the men being separated and taken off to an undisclosed destination by Serbian troops. What has happened to those people? Have they been taken up into Serbia? Are they at camps? Have they been executed?

Secondly, what is left of the infrastructure inside Kosovo with respect to its ability to accommodate anybody, now that Mr. Milosevic has burned most of those villages? Is there anything left for them to go back to? We need to look at that very closely.

Lastly, I think we need to look at the European Community and make sure that the European Community, which has budget problems just like this community has, the American community, is not looking at a way to make the Americans pay for the majority of the restoration of Kosovo. Because very clearly we have paid for the majority of the air campaign and we know it is very important for our allies to participate in this.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, based on the gentleman's comments, I find that he and I are singing from the same sheet of music, and I thank him for that.

My main purpose for rising, however, is to compliment the gentleman from Mississippi. I think it is important that the goals for this entire challenge be set forth, and he has done that quite well for today as well as the challenge for tomorrow. I thank him for his thorough review of those goals.

Mr. HUNTER. Mr. Chairman, reclaiming my time, I thank the gentleman and I also want to compliment the gentleman for his laying out of the goals that the United States as well as other western nations must be interested in.

Mr. Chairman, I would ask how much time we have remaining?

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Mississippi (Mr. TAYLOR) has 7½ minutes remaining, and the gentleman from California (Mr. HUNTER) has 9 minutes remaining.

Mr. HUNTER. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM), the distinguished Navy ace.

Mr. CUNNINGHAM. Mr. Chairman, I thank the gentleman for yielding me this time.

When this whole event started, many of us fought against it; felt it was

wrong. The total number of people killed in Kosovo, prior to the United States bombing, was 2,012. Not saying a single life is not worth something, but of that 2,012, one-third of those were Serbs that were murdered by the KLA. Their churches were bombed, their police were killed and kidnapped. And was there fighting there? Yes. Were both sides brutal? Absolutely yes. But was there massive ethnic cleansing? No.

There are 300,000 Serbs that live where the KLA is not, mostly in Belgrade. Not a single one has left.

□ 1330

But the KLA wants a complete separation of Kosovo. They also want Montenegro. They also want Macedonia. And they also want part of Greece. That is why the Greeks are so adamant about supporting the Serbs; they are afraid of expansionism by the KLA.

And yes, there are atrocities on both sides. And I have no doubt that on both sides there have been atrocities, mostly by the Serbs. But for us to go over there and do what we have done is unconscionable.

The President said this is a big win. We have killed more civilians, two-and-a-half times, over twice, the amount that the Serbs killed in an entire year prior to the bombing. Through the bombing of NATO, there have been over twice the number of people killed in Kosovo as were killed prior to our bombing.

If we listen to the people, the Albanians themselves coming out of Kosovo, listen to what they are saying, they were forced out of their homes after the bombing started. And many of my colleagues say, well, Milosevic had a plan, he had a plan, and we had a plan. Well, we implemented that plan.

There are hundreds of thousands of people, in my opinion and, I think, the world's opinion that would not be refugees today if we had not bombed. That is not a win. And they say there is no loss of life. Ask the crew of the Apache that were killed over there in Kosovo, the loss of 117s.

Before we get out of this, conservative estimates say, $50 billion to help rebuild Kosovo and what we have destroyed. Jesse Jackson, I do not support Mr. Jackson's views most of the time, but I thought he showed some real wisdom in the fact that he said that to get into the minds of the other side, to understand what the fears are of both sides, not just the Albanians, but what the fears of the Serbs are.

He also said we ought to have as much compassion for the innocent men, women and children, the Yugoslavs, as we have for the Serbs. And all I hear is that the Serbs are terrible. It is not all true. We cannot demonize an entire nation of people. The Nazis were terrible in World War II, but all Germans were not Nazis and did not commit those crimes.

From the very first day, I said there were certain things that we had to do to bring peace. And if we take a look, the number one fear, put ourselves in the Serbs' shoes, where one of three of them died in World War II defending Kosovo, their number-one fear was that, under Rambouillet, Kosovo was going to become independent.

There is nothing in this agreement. And I agree that is what should have been done. They may have cantonization, but it still should remain under former Yugoslavia.

Second, the Serbs were absolutely petrified. Where the KLA is, they are not in mass forces, but there are Mujahedin and Hamas within that and they want independence and they are going to cause problems and they were afraid. And when Rambouillet said that all their forces had to go out and their police, and none of the laws would form under Belgrade but from the Albanian civilians, they said, hey, this is Serbia.

That is like Texas falling to Mexico and then saying, hey, Washington, D.C., has no laws over that. We would not do that.

But if we take a look, the Russians in there support it. The Greeks in there support it.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not going to debate the exact type of horror that was perpetrated on the people of Kosovo. But I would daresay that using the analogy that some of my colleagues have used, that World War II was a failure because we did not prevent Hitler from killing over 4 million Jews, I do not think World War II was a failure. We stopped the horror.

I do not think what we did in Kosovo was a failure. We stopped the horror. We did it with absolute minimum loss of American life.

Are we somehow disappointed there was not a big body count? Are we somehow disappointed there will not be another wall on the Mall with 50,000 American names? I am not. I am happy. We did not lose one kid.

The gentleman from California (Mr. DUNCAN HUNTER) is exactly right, we need to get them new weapons, we need to get them the right ammunition, we need to pay them like a free society ought to pay volunteers. He is exactly right. And none of us are in disagreement on that.

We also need to protect the peace that they have won. We, as the Congress of the United States, ought to set the rules for the Army and the Navy, and that is what I am asking the Congress of the United States to do right now. And we ought to bring those people who have done horrible things to justice. They should be held accountable for what they have done.

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

Mr. HUNTER. Mr. Chairman, I yield the remaining time to the distinguished gentleman from Virginia (Mr. BATEMAN).

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Virginia is recognized for 4 minutes.

Mr. BATEMAN. Mr. Chairman, I thank my friend from California for yielding the time.

This issue of America's involvement in the Balkans has given me more difficulty than any public policy issue I have ever been called upon to address. I must tell my colleagues that I have no satisfaction whatsoever in the manner in which the Congress of the United States has dealt with that terrible issue and the way we have performed consistent with what I would regard, if not our constitutional duty, the duty of common sense and of good public policy. We have, basically, from the beginning sought to insulate ourselves from what was going on.

I do not have the time to lay out anything other than just a very few bullet points that need much more exposition.

I have a strong point of view that this administration stumbled and bumbled through incredible ineptness in their execution of policy that got us into the mess we are in. But once we were in that mess, I have never understood the unwillingness of the Congress to confront the fact that we are there and our forces were engaged. And being engaged, we ought to either say, bring them home, or we ought to have supported them by a resolution authorizing them to be there and allowing such forces as were necessary to accomplish goals that we established as being valid goals.

Because we did nothing of that sort in the four resolutions that were offered on the floor of the House, I introduced H.J.Res. 51. I suggest my colleagues might want to read it. I am very disturbed by the fact that we have not done what we should.

The amendment of the gentleman from Mississippi (Mr. TAYLOR), as I understand it, there is little, if anything, in it that I would disagree with. I think it is basically a rhetorical statement. I happen to agree with the rhetoric. It gives me no problems at all.

Let me take what remaining time I have to address the amendment of the gentleman from Missouri (Mr. SKELTON) which I understand will be next or soon in order.

I do not have any disagreement with Mr. Skelton on that because I do not think this Congress ought to be saying to the President of the United States that he cannot deploy forces that are already deployed, he must withdraw. But this amendment, the language which is in the bill, is not intended to

be an interference with the President's constitutional prerogatives. It is intended to be in keeping with the constitutional prerogatives that are clearly those of the Congress.

As chairman of the Subcommittee on Military Readiness, I am very, weary year after year after year of authorizing and appropriators' appropriating funds for stated purposes in areas of concern to be taken care of where there are problems, only to find that the administration, because of contingencies, has taken the money and spent it somewhere else.

What do we care, or do we even care anymore, about our responsibility as the Congress to control the purse strings? What difference does it make for us to spend our time authorizing after months of study and then appropriating funds if, having done so, the President can go off on any operation he chooses, spend the money in ways other than what we direct, and say nothing to this?

I am not against what the President is doing or finally has been required to do in Kosovo, and I am delighted with what appears to be a reasonable success. But it does not alter the fact that when we appropriate hundreds of millions of dollars devoted to specific reasons and purposes to look after the readiness and to get the equipment for our forces, we want it spent for those reasons.

If the President's policy takes us in a deployment somewhere, the President should come back to us and seek the funds for it, not spend it from things that we have otherwise authorized and appropriated. And that is what the issue is about and the only reason I would not be able to support the Skelton amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me close by thanking the gentleman from California for what he did back in April, which was to force the 435 elected officials, not one of us was appointed, not one of us was annointed, every one of us begged for this job, for forcing us to do what we should have done all along.

I also want to thank him for coming to me with what I thought was a very common-sense compromise on this issue. Again, what I had set out to do in the beginning was to help that very high-ranking American officer and let him and all the troops know that the Congress of the United States is behind them in what they are trying to accomplish. We have a chance to do that right now.

And lastly, I want to thank the Speaker of the House, who I do believe played a part in seeing to it that that amendment which was originally blocked from consideration 2 weeks ago is being voted on today. I think that is supporting what we are doing today.

I think for the sake of the kids who flew the 30,000 sorties and put their lives on the line every time that we protect the peace, that they risked their lives to gain.

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

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Mississippi (Mr. TAYLOR).

The amendment, as modified, was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider Amendment No. 18 printed in Part A of House Report 106–175.

AMENDMENT NO. 18 OFFERED BY MR. SOUDER

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 18 offered by Mr. SOUDER:

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.

The CHAIRMAN pro tempore. Pursuant to House Resolution 200, the gentleman from Indiana (Mr. SOUDER) and the gentleman from Missouri (Mr. SKELTON) each will control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

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

Mr. Chairman, I rise in support of our troops and the fundamental national security interests of this country. This bill is, in fact, about our national defense and readiness. I also want to commend the chairman of the Committee on Armed Services for his excellent work and commitment in this bill to rebuild our national defense posture.

It is my strong conviction that the United States' involvement in leadership in the conflict in the Federal Republic of Yugoslavia has, in fact, undermined our national interest, not furthered it. The President's national security adviser Sandy Berger supposedly, according to the President, coined the phrase ''come home, America'' for the McGovern campaign in 1972. Apparently, we changed this to ''go everywhere, America'' and now to ''stay everywhere, America.'' While our motives may be good, the fact is that that is not much of a national interest policy.

I would like to also thank our leadership in the committee for including a prohibition in the bill restricting the use of funds for Kosovo. My amendment simply strengthens the prohibition already in the bill against the use of Department of Defense funds towards the conflict in Kosovo by applying the prohibition for all defense funds for Fiscal Year 2000, not merely to funds authorized in this bill.

□ 1345

The amendment also eliminates the invitation in the bill to the President to request additional funds for the conflict in Yugoslavia. We have already given too many taxpayer dollars to this ill-conceived operation which would be better used to strengthen our national defense and to be put into areas where we actually have direct national interests and world peace concerns as well as when we talk about this being $15 billion, $20 billion, $80 billion, whatever it turns out to be, that also means that domestic expenditures are being reduced which is a legitimate taxpayer question as far as where our national interest is.

I want to make clear that I do not intend to limit support for refugees, nor does this amendment prevent missions specifically limited to rescuing United States military personnel or citizens in the same way that the underlying bill was not intended to prevent such activity.

When given the opportunity a few weeks ago, the House of Representatives failed to support U.S. involvement in the bombing campaign in Yugoslavia. While we all hope for eventual peace, the many reasons to oppose involvement remain today. Reasons to oppose any additional funding for Kosovo include:

The potential permanent placement of U.S. ground troops in a region secondary to our national interests where forces will be at risk from violence on both sides. The continued redirection of funds essential to restoring United States military readiness. Let me address one question that we have been debating here, is could funds be diverted from this bill. In fact as I pointed out in the supplemental, there are not restrictions that keep funds from being moved. We often play in the Federal Government these games where, ''Oh, we're not directly funding the supplies for the troops, what we do is just replace the supplies that were sent.'' So that the supply stream that is in the military currently that we were supposedly putting in for military readiness and buildup will be diverted over there and the new funds will merely go to replace what is being diverted. We have seen billions of dollars that were not allocated for Kosovo already spent, and it is disingenuous to say that, ''Oh, there would be another supplemental that would take the additional funds'' because they are diverting funds that are already there for troop training, for the gas, for the armaments and so on, and this has disguised the costs of this war and continues to do it. When we say we are

building the readiness of our armed forces but do not restrict the funds from being directly or indirectly transferred to Kosovo, it is less than straightforward.

Furthermore, we are continuing to undermine the U.S. troop morale because they are being asked to do more with less and are being deployed at a rate like never before. That not only includes our active military but it also includes our Reserve and Guard where we are seeing a drop in reenlistments.

The fact that the NATO air war accelerated and augmented the tragic refugee crisis which we are and will continue to support financially through other areas. That is not arguing that he was not an evil man and is not an evil man. I am speaking of President Milosevic. Or that other leaders in countries in the Balkans did not practice genocide. The fact is it is not clear what was going to happen and to what extent it was going to happen.

Furthermore, the additional confusion which is added to our foreign policy priorities when we fail to establish a clear standard for humanitarian intervention while clearly undermining our relationships with international powers that clearly impact high priority U.S. national security interests including China and Russia. Let me explain that. It is terrible. I was in the camps in Macedonia, too. I spent a whole afternoon talking to refugees. You cannot deny, any citizen cannot deny who has talked to these people that throats were slit, that there are mass graves, that there were rapes. The question is, that is also occurring in many other parts of the world. What is our standard for intervention? That is the question here. And when? Is it just because they are white? That is a kind of question we have to confront with ourselves, just because CNN is in a certain part of the world. Why are we not in Sudan? What are the compelling reasons why we would intervene in one country and not another? Furthermore, to divert these resources like the last carrier over to the Persian Gulf so another carrier could be diverted into the Mediterranean leaving us blind in Asia where clearly we have potential coming conflicts between India, China and China's client states like Pakistan and North Korea and Japan, where clearly there are world peace major issues at stake and we are bogged down now in Iraq, in Bosnia, now in Haiti and now potentially even greater in Kosovo.

The continuous undermining of the stability of neighboring democracies like Macedonia and impeding the democratic position of Montenegro.

The U.S. policy of supporting, at least tacitly, the Kosovo Liberation Army which has some established ties to narcotics trafficking and terrorism targeted at Americans. One of the fundamental questions here in the ironies of this agreement is that we did not support the Kosovo Liberation Army and yet at the same time we are now going to accomplish for Milosevic one of the goals that he had in disarming them, at least temporarily.

The undermining of NATO when we define its continuing existence as dependent upon as the defeat of a sovereign country with a history of internal conflict which offers no direct threat to a NATO member. We constantly heard about article 5 which was supposedly the stability of Europe. Now, how in the world have we advanced the stability of Europe? We have Macedonia and Montenegro teetering, we have Greece with domestic conflict. We had Romania and Hungary concerned on the northern border. We have Russia, a historic ally of Serbia and a rising nationalist movement in Russia that we have given credibility to and potentially with the switch in the government of Russia having their armed troops on the ground in a very dicey type of situation in an area where we thought we had expelled them. We have a general and potentially and most likely an independent Kosovo in the middle of Europe. An armed Muslim state in the center of Europe will not add to the stability. I point that out because I did not meet a single Kosovar who was ever willing to serve under a Serbian government.

Furthermore, what does this mean in the concept of independent states, if the Kosovars have no intention of ever serving under a Serbian government? Does this now mean that in Palestine we are giving a blank check to the Palestinians to have an independent state separate from Israel? What about the Kurds in Turkey? There is a very difficult international policy question underneath this supposed peace settlement that I say puts our world positions at greater risk than we had when we first went in.

Furthermore, it is no wonder that China and Russia in the earlier question of when we are going to intervene in a humanitarian intervention, part of the concern here around the world, this is not a Christian moral position. I could argue from a Christian moral position that we should intervene anywhere. And when Russians started bombing Chechnya we should have gone in. But what are our criterias? If they are a big partner, we do not go in? If they are a little trade partner, we do go? It is not clear. Because the terror and the murder is happening in many places throughout the world and was not extraordinarily greater in this area until we started the process. It was terrible but it was not extraordinarily greater than anywhere else in about 30 to 40 countries.

Mr. Chairman, the bottom line is if we should not be involved, then we should not be involved in either the war or the peacekeeping which is not necessarily the cessation of hostilities and may in fact even be an Iraq situation where he plays this like a yo-yo.

My amendment simply provides, if we should not be there and we should not stay there, then we should not fund the money. We then bear part of that responsibility. My amendment provides Members of this House the opportunity to vote in a manner consistent with their consciences and the congressional responsibility to use wisely the constitutional spending power which is the power of the House.

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

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

I must say, Mr. Chairman, in the words of Mark Twain, the literary giant from my State of Missouri, ''The more you explain it to me, the more I don't understand it.'' I really have a difficult time in understanding this amendment. For if I read it correctly, it is more restrictive than the language that is already in the bill. On top of that, it prohibits use of any funds, whether they be appropriated as a supplemental appropriation or otherwise from being used in the Republic of Yugoslavia effort. On top of that, it deletes the subsection which invites the President to request additional funds. That was put in by the majority, and I agree with it. The President should come forth and seek supplemental funds for the year 2000.

So this amendment is a very drastic one. If you read it very carefully, it is a short amendment that has very far reaching, difficult results.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman from Missouri (Mr. SKELTON) the ranking member for yielding this time to me. I would like to respond to the gentleman from Indiana (Mr. SOUDER) very briefly regarding the question he raised about how we are providing for a stable Europe by the actions that have been undertaken.

Last week I traveled with the gentleman from New York (Mr. HOUGHTON) to the Oxford Forum in Belfast, Ireland. While there our interlocutors were parliamentary officials from Germany and from England. We left there and went to London and met with Robin Cook. All along the way, including with the Prime Minister of Ireland, all we heard was praise for the overall aspect of this particular operation and how it has unified the alliance in the new paradigm. I think we really need to examine it from that point of view.

But I do rise in opposition to the amendment from my friend from Indiana. It is unfathomable to me that as a peace agreement has just been signed and we are about to achieve our goals for ending the ethnic cleansing in Kosovo that some Members of this

great institution are attempting to prevent the United States from participating in an international security force. Quite frankly I am not only shocked, I am outraged at the lengths to which critics of our Commander in Chief will go to embarrass him. Rather than at this time celebrate a triumph and applaud our military for having achieved a successful operation, we are about the business of continuing to try to hamper the efforts that are put forward for peace. First these persons tried to prevent the Commander in Chief from stopping genocide in Europe. Now they are trying to stop him from securing peace. This simply cannot happen. I urge the body to please oppose the Souder amendment.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume, and I yield for a question to my friend, the gentleman from California (Mr. HUNTER).

Mr. HUNTER. I thank the gentleman for yielding. I just wanted to say, to get my oar in the water here, that this amendment does do what several people thought the base bill does, that is, this amendment would in my understanding immediately stop all operations in Kosovo. That is, it would paralyze air operations, no moneys of any stripe, whether it is this year or supplemental money or money for next year would be available. That means that everything would stop.

Let me just say from my perspective the same thing that I said several weeks ago on this, that I think that would be a major mistake. This, regardless of how we got here, we are operating this air war, bringing it to a conclusion, and I intend and I think a number of other Members intend on this side to oppose this amendment as much as we respect our friend from Indiana.

Mr. SKELTON. Mr. Chairman, I yield 3½ minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the ranking member for yielding me this time. I rise in opposition to the gentleman from Indiana's amendment. I believe it creates an entirely unworkable situation which could pose grave harm to the men and women in uniform who are serving in the Balkans. In order to understand that, we have to understand what would happen on September 20th if, as I expect, we have several thousand troops in place, conducting peacekeeping activities, and think about the options the President would have to continue that operation. The first option he would have, and I hope that he would do it, would be to come to this body for a supplemental appropriation above and beyond the regular defense appropriations for fiscal year 2000 to pay for the cost of this. And we could make an honest decision as to whether we want to do that and where the money ought to come from. I want to underline what the gentleman from California (Mr. HUNTER) and the gentleman from Missouri (Mr. SKELTON) and many others have said this afternoon, that that is the right thing, that is what he ought to do. But he may not do it. The President may not do that. And we may not act expeditiously if he does.

About 2 weeks ago, just before the Memorial Day break, we were intending to get to work on this bill, and because of various legitimate political disagreements in this body, we were unable to pass a rule to take up this legislation.

□ 1400

That could certainly happen again, certainly happen again in the context of a supplemental appropriation.

The second option the President would have under normal circumstances would be to reallocate funding in the fiscal year 2000 bill for this purpose. Now that is what he would do in the absence of a supplemental if this amendment were not the law.

But if this amendment becomes the law, as I understand it, the President cannot do that. It flatly bars any shift of funds, any transfer of accounts for the purpose of supporting the ongoing peacekeeping operation or any other operation which we may need in the Republic of Yugoslavia at that time.

His third option, as I read it, his only option, would be completely unacceptable, and that would be to unilaterally and immediately stop any operations that our military is conducting in the Republic of Yugoslavia. I think that does not make a lot of sense.

For those reasons, I would oppose.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the author, the gentleman from Indiana, if he has a question.

Mr. SOUDER. Mr. Chairman, I wanted to clarify the amendment, if I may. It only affects fiscal year 2000 funding. It has 4 months for us to withdraw. It does not have any immediate impact.

Mr. ANDREWS. Reclaiming my time, Mr. Chairman, what does the President do on September 28 of 1999 if we have not gotten a supplemental through here, and he wants to leave 7- or 8,000 people there to do their job? How does he pay for it?

I yield back for the answer.

Mr. SOUDER. He would presumably have to overturn this bill.

Mr. ANDREWS. Reclaiming my time, he would have to ignore the will that we enacted here in the bill?

With all due respect, I think that proves my point, that it puts the President in an untenable situation where our failure to act to enact the supplemental, which happens around here a lot, would tie the President's hands and create, I think, an irresponsible situation.

I yield to the gentleman from Indiana.

Mr. SOUDER. My understanding of the bill, my amendment to the bill, would eliminate the invitation that both the chairman and the gentleman from Missouri (Mr. SKELTON) have for a supplemental, but it would not prohibit the President from coming with the supplemental. It prohibits any funds that we currently have for fiscal year 2000.

Mr. ANDREWS. Reclaiming my time, it would though, if I am correct, prohibit the transfer of any funds from one account to another for this purpose; is that correct?

Mr. SOUDER. Absolutely.

Mr. ANDREWS. Mr. Chairman, I oppose the amendment.

Mr. SOUDER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I rise in strong support of the amendment by the gentleman from Indiana (Mr. SOUDER), and I want to compliment him for bringing it forward. But I also want to clarify the discussion which just occurred because I think it may have left some ambiguity in the minds of Members.

Let me make it very, very clear. This amendment does not in any way prevent the President from coming forward in a straightforward fashion and saying to the Congress, ''I want and I request and I ask you to appropriate additional funds for the conduct of this war or for the conduct of peacekeeping.''

What this amendment does is say, ''Mr. President, the power we have in the Congress is the power of the purse. You have clearly indicated that you are going to proceed on your own within your authority.'' So be it.

But we do have the power of the purse, and this amendment would say, ''Mr. President, you have 4 months to conclude the action, and then if in that 4 months you want more money, come back to the Congress and ask for it,'' and I think that is a perfectly legitimate role for the Congress to play; indeed, it is the role that the Constitution contemplates that we should play, and I urge my colleagues to support the amendment for that reason.

But I want to move on to another topic because I think there is going to be some additional confusion later in the discussion. Later today, on this bill, my colleague, the gentleman from Missouri (Mr. SKELTON), I believe is going to offer an amendment to strike the language in the base bill which prohibits funds in fiscal year 2000 from being used for the war.

Specifically, on page 270 in section 1006 he is going to move to strike lines 21 through 24. That is the language that specifically prohibits the President from using fiscal year 2000 moneys for the conduct of this war or peacekeeping without coming back to the Congress for permission.

But in a move which will confuse Members he is going to leave in place the following language in subsection B of that section on page 271 which creates the impression that the President will have to come to Congress and ask permission, but not the reality.

I urge my colleagues to support the Souder amendment and to oppose the Skelton amendment, Mr. Chairman. The Skelton amendment appears to force the President to come to the Congress for proper budget authority for the conduct of this war, but it will not do that.

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

Mr. Chairman, I have always found it important to read what the amendments say, and this particular amendment strikes that provision which requires the President to come forth with a supplemental. Further, it prohibits, it prohibits other appropriated or supplemental appropriations by these words:

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.

I mean, how much clearer can we get? That cuts it off.

Mr. SHADEGG. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, let me precisely explain. The gentleman is right. This language says that this piece of legislation would not authorize the President to continue the conduct of the war or the peacekeeping mission. That would leave the President with the option, which he has at any time, to bring forward a request for a supplemental appropriation specifically for the operation of the war. Then we could debate that issue, should we fund the war and at what level, or should we fund the peacekeeping effort and at what level?

Nothing in this language says the President is precluded from bringing forward such a proposal, and I give the gentleman back his time.

Mr. SKELTON. Mr. Chairman, I thank the gentleman very much.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, the gentleman who offered the amendment asked, ''Duke, would you like to speak in favor of the amendment?'' Not only a good guy, he has got a good heart, and I would like to talk to the gentleman on why I oppose this particular amendment.

First of all, I have already spoken to why I did not believe that we should be in Kosovo in the first place. I have also spoken to why I thought that Rambouillet actually caused the war, that there was a no-win from the start, that the President did not understand that we could not have an independent Kosovo, that they would never give that up, and that they had fears that the KLA would reprise, and we could not take out other military and police, and that there had to be something in between.

Well, now the new agreement said that we will have Russian and Greek troops, which I wanted in there, to separate the two sides, and there is a difference between war and potential peace and what we do support.

George Bush in Desert Storm had our allies pay for Desert Storm, and I think that NATO ought to pay for this, at least 99 percent of this, and let the United States back out of it because we have been into all of the other things that we have talked about, from Iraq to other areas, as well as in the Sudan.

I disagreed with my colleague on his amendment because I felt that it took money out of the military requirements when our Joint Chiefs said we need 148 billion just to come up to a low-ball figure, the President, under the Bottom Up Review and the QDR; and I understand now that the supplemental will come in and not do that. But I would still oppose the gentleman's amendment if it takes the money out, because there is never a payback in this business.

And I would say that under this amendment it totally ties the hands of the President as far as our troops, and I do not want to do that. I am trying to get us out of Kosovo. I am trying to do it because I do not think that we should demonize one side or another on this because both sides have been, but at the same time I do not want to totally tie the hands of the President if there is hope for peace and we can separate those forces.

And with winter coming on, there is no electricity, no food, no heat, and there are innocent Yugoslavians and innocent Albanians at the same time. How are we going to handle that? I would like NATO to pay for it all. I am not naive enough to think they are going to do that.

I thank the gentleman from my heart for having given me the time, and part of me supports what the gentleman is trying to do, but overall I would have to vote against the gentleman's amendment and urge my colleagues to do the same.

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

Mr. Chairman, I appreciate my friend from California (Mr. CUNNINGHAM) stating this. Obviously he did read the amendment, as I did, and the language is pretty clear.

Mr. CUNNINGHAM. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from California.

Mr. CUNNINGHAM. Actually, I had not, but I listened to what the gentleman said.

Mr. SOUDER. Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank my friend for having yielded this time to me.

And he has pointed out, pointed to the language in his bill that the bill refers to 2000 money, and that would not necessarily keep the President from spending dollars that are presently in the 1999 accounts; and so I want to apologize to the gentleman for misconstruing his amendment and saying that it would immediately paralyze all air operations. It would not stop for 4 months.

I still oppose the gentleman's amendment, but I do want to let him know that that statement was in error.

Mr. SOUDER. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, as my colleagues know, NATO is the alter ego of the United States. Whatever NATO does, it means the United States does, and what have we done?

Milosevic is still in power, close to 200 schools in Serbia have been destroyed, a half-dozen bridges across the Danube, power plants. We have destroyed a country. We have wasted our precious military resources. The American people have been asked to pay not only for the war, but the President will come back and ask us to rebuild Serbia. It is wrong. It is fiscally wrong and it is morally wrong.

The President needs to be stopped in this unwanted use of taxpayers' dollars. That is the purpose of the Souder amendment, to bring some sanity to what is going on in the world. This war never should have been started, and the American taxpayers should not be called upon to complete it.

Mr. SKELTON. Mr. Chairman, I yield the balance of my time to the gentleman from Connecticut (Mr. GEJDENSON).

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Connecticut is recognized for 2½ minutes.

Mr. GEJDENSON. Mr. Chairman, I want to commend the gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) for coming together in opposition to this amendment.

The logic, at this point, as we have begun a process which ends the horror and extermination that was going on in Kosovo, to suddenly believe that we can crawl into some isolationist shell just does not make sense. The President and the Secretary of State, Sandy Berger, and the Secretary of Defense have done a spectacular job. They have kept NATO united, and frankly, as we are skeptics by nature in this Congress, I was skeptical that we could keep NATO united. They were successful in an air campaign, and so many experts

told us we could not be successful with just an air campaign.

To come to the floor today and blame us for the devastation wrought on the Serbs would be akin to blaming the allies for the bombing that occurred on Germany in World War II. We have a responsibility in this Congress. It is to critically examine the actions of the executive.

But what I am fearful of here is that the hostility to this administration carries over in legislative attempts that defy America's basic national interest. Whether one believes the campaign could work or not, whether one believes we ought to have been there or not, at this stage to argue that America should simply remove itself is unacceptable and unwise for America's national interest.

□ 1415

America, under this President's leadership with our Secretary of State and their foreign policy team, has gotten an agreement for the smallest percentage of American participation in any action since the end of World War II that I can remember, less than 15 percent, a little over 7,000 of the troops. Our other NATO allies are taking a substantial portion, as they should, because it is Europe. That never happened before.

We should be in the well congratulating our military and our political leadership for having stood up to a tyrant and stopped the killing. Yes, there was a price paid, a price paid on civilians on both sides, but no one has any right to criticize our response in fighting for the lives of men and women being raped and murdered, being taken from their homes.

Was America to sit by and build one more monument? I have said this before. I have seen virtually every one of our colleagues at ceremonies for the Holocaust and Armenian genocide. This time we acted. We did not wait afterwards to wring our hands. I support the efforts of the chairman and the ranking Democrat to defeat this amendment.

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

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The gentleman from Indiana is recognized for 2 minutes.

Mr. SOUDER. Mr. Chairman, a couple of points: One is I do not think it is helpful to take really serious deep disagreements about the validity of this particular war and imply that it has a political motive. I think I can stand here with the respect of this House and say I am not obsessed with removing this President or blaming everything on this President. I have deep reservations and opposition, not only to the war, but what we are potentially going to get into in destabilization in the peacekeeping force, not because horror is not terrible, just like in Sudan and many other places around the world, but I fear greater consequences in the other places in national interest.

Let me make clear again, this is the hardest core amendment. The amendment of the gentleman from South Carolina (Mr. SPENCE) is more moderate. If the Skelton amendment passes to the Spence amendment, the House will have no way to vote for those of us who oppose this war because the Skelton amendment would gut the Spence amendment.

My amendment does not remove that, although there is a question whether some of the supplemental funds would be affected. In my opinion, and I believe in most people's opinion, it would allow the funds to be expended for the rest of this year. We would have four months to make whatever transfer over of a European problem to the Europeans in the case of funding the peacekeepers after this.

If one does not favor the extended intervention in the Balkans through whatever, whether it is peacekeeping or in fact a continuation of the war or an Iraq-type situation, this amendment gives one the ability to say in the fiscal year 2000 funds, after October 1 and for that year, unless the President comes to this House and says, ''This is an emergency, I need to waive what you previously passed, I need additional money,'' but it restricts the funding we are now putting out and have put out for fiscal year 2000 and says you cannot use that, yes, not only for air war and ground war, but you cannot use it for the peacekeepers either.

I do not expect a lot of support for this amendment, but for those of us who have deep concerns, this is our chance to cast that vote.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

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

RECORDED VOTE

Mr. SOUDER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 97, noes 328, not voting 9, as follows:

[Roll No. 187]

AYES—97

Aderholt
Archer
Bachus
Baker
Barr
Bartlett
Bilbray
Bilirakis
Bonilla
Brady (TX)
Bryant
Burton
Campbell
Canady
Cannon
Chabot
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Crane
Cubin
Danner
DeMint
Doolittle
Duncan
Ewing
Ganske
Gibbons
Goode
Goodlatte
Goodling
Graham
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hoekstra
Horn
Hostettler
Hulshof
Istook
Jenkins
Jones (NC)
Kasich
Kingston
Kucinich
LaHood
Largent
Lewis (KY)
LoBiondo
Lucas (OK)
Manzullo
McKinney
Metcalf
Mica
Miller, Gary
Myrick
Nethercutt
Paul
Pease
Peterson (MN)
Petri
Pitts
Pombo
Radanovich
Ramstad
Rogan
Rohrabacher
Ros-Lehtinen
Royce
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Souder
Stump
Sununu
Tancredo
Tauzin
Taylor (NC)
Terry
Vitter
Wamp
Watkins
Watts (OK)
Weldon (FL)

NOES—328

Abercrombie
Ackerman
Allen
Andrews
Armey
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Buyer
Callahan
Calvert
Camp
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Hooley
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Owens

Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Bono
Brown (CA)
Clayton
Dickey
Engel
Hilleary
Holt
Lofgren
Olver

□ 1443

Messrs. FRANKS of New Jersey, NEY, and BLAGOJEVICH changed their vote from ''aye'' to ''no.''

Messrs. SHAYS, WATTS of Oklahoma, HERGER, PITTS, HULSHOF, EWING, GARY MILLER of California, SCARBOROUGH, SUNUNU, and Ms. McKINNEY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HOLT. Mr. Speaker, earlier today, I was unavoidably detained on official business in my congressional district in central New Jersey. During that time, I missed three rollcall votes.

Had I been here, I would have voted "yes" on rollcall No. 185 and "no" on rollcall Nos. 186 and 187.

The CHAIRMAN. It is now in order to consider amendment No. 19 printed in Part A of House Report 106–175.

AMENDMENT NO. 19 OFFERED BY MR. SKELTON

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 19 offered by Mr. SKELTON:

In section 1006—

(1) strike subsection (a) (page 270, lines 21 through 24);

(2) in the section heading (page 270, line 20), strike ''**BUDGETING FOR**'' and insert ''**SUPPLEMENTAL APPROPRIATIONS REQUEST FOR**''; and

(3) in subsection (b), strike ''(b) SUPPLEMENTAL APPROPRIATIONS REQUEST FOR OPERATIONS IN YUGOSLAVIA.—''.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Missouri (Mr. SKELTON).

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

Mr. Chairman, I find it rather ironic; no, I find it rather sad that in the wake of a military victory for America and for the NATO forces, we find ourselves in this excellent authorization bill discussing language that cuts off funding for the troops on September 30 of this year.

□ 1445

The amendment which I offer will delete subsection A of section 1006, while leaving in place subsection B. Subsection B requires the President to request supplemental appropriations in order to conduct combat or peacekeeping operations in the Federal Republic of Yugoslavia. Subsection B, standing alone, adequately protects the funding authorized by this bill without running the risk of undermining America's and NATO's military and peacekeeping efforts in Kosovo.

Mr. Chairman, 2 weeks ago, when we were first scheduled to take this bill up, I would have argued that the language in this bill sent the wrong message at the wrong time. Now the withdrawal of Serb forces, which is under way from Kosovo today, the message that we would send by rejecting my amendment would be a horrific message. The timing of the message would make it even worse.

We must pass this amendment so that we can proceed further and not cut off the troops for the wonderful job that they have done. We cannot cut them off on September 30 of this year.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, I rise today in support of the Skelton amendment to the defense authorization bill, an amendment this House should pass for many reasons.

The gentleman's amendment strips the present language out of the bill which prohibits funds being expended in Yugoslavia after September 30, 1999. The current language in the bill does not reflect the best that this country and this Congress can offer in our defense policy bill.

The House Committee on Armed Services struggled long and hard to get this bill to the floor. It is generally an outstanding bill, a very good bill. But this language will garner a presidential veto, and our purpose here is to pass a bill that the President will sign, as well as safeguard our troops and the security interests of the United States of America.

Leaving the restrictive language on Yugoslavia in this bill puts its passage in jeopardy, and that is bad enough. But worse, it puts our troops in jeopardy, those young men and women fighting for the strategic interests of the United States.

Mr. Chairman, we cannot try to run this conflict, this war, like we run a regular business. We cannot do that. We are dealing with a man who is a vicious killer. Soldiers in the field, I do not think will appreciate it if we do not support this amendment.

Lastly, we would be terribly ill-advised to include this language in our bill because it sends a mixed message to Milosevic, the latest hate-monger of the 20th century. The very last person to whom we want to provide aid and comfort is Milosevic, a devoted enemy of peace in Central Europe.

I urge my friends and colleagues to support this amendment.

Mr. Chairman, the Government of the Republic of China announced on June 7 that it would provide a grant aid equivalent to about US$300 million to help the Kosovar refugees. The aid will consist of emergency support for food, shelters, medical care, and education for the refugees. In addition, short term accommodations will be provided for some of the refugees in Taiwan. Most important of all, Taipei will support the rehabilitation of the Kosovar area in coordination with other international agencies.

Taipei's offer of help drew a favorable response from our State Department and I think Taiwan's plan to assist Kosovar refugees and Macedonia is praiseworthy and demonstrates Taiwan's commitment to play a helpful role in the international community.

President Lee Teng-hui of the Republic of China on Taiwan should be commended for his willingness to commit his country's resources to help other countries in need. President Lee's aid initiative to the Kosovar refugees is yet another demonstration of the Republic of China's support of U.S. policies in the Balkans.

TAIPEI ECONOMIC AND CULTURAL REPRESENTATIVE OFFICE IN THE UNITED STATES,

Washington, DC, June 9, 1999.

Hon. SOLOMON ORTIZ,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ORTIZ: As we are all eagerly awaiting a peaceful resolution of the Kosovo conflict, I am writing today to direct your attention to my country's efforts to aid the huge numbers of Kosovar refugees currently residing in other countries.

As a member of the world community committed to protecting and promoting human rights, the Republic of China on Taiwan is deeply concerned about the plight of the Kosovars and hopes to contribute to the reconstruction of their war-torn land. To that end, President Lee Teng-hui announced on June 7, 1999 that our country will grant U.S. $300 million in an aid package to the Kosovars. The aid package will consist of the following:

1. Emergency support for food, shelters, medical care, and education, etc. for Kosovar refugees living in exile in neighboring countries.

2. Short-term accommodations for some of Kosovar refugees in Taiwan, with opportunities of job training to enable them to be better equipped for the restoration of their homeland upon their return.

3. Support for the restoration of Kosovo in coordination with international long-term recovery programs once a peace plan is implemented.

We earnestly hope that our aid will contribute to the promotion of the peace plan for Kosovo and that all the refugees will be able to return safely to their homes as soon as possible. In this regard, we hope that we may rely on your continued support and friendship as we seek to fulfill our obligations as a responsible member of the international community.

With best regards,

Sincerely yours,

STEPHEN S. F. CHEN,
Representative.

Mr. RILEY. Mr. Chairman, I rise in opposition to this amendment.

The CHAIRMAN. The gentleman from Alabama (Mr. RILEY) is recognized for 15 minutes.

Mr. RILEY. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I would like to speak directly to my friend, the gentleman from Missouri (Mr. SKELTON) on his amendment. He is my friend, but I thought it was unfair to characterize this as a vote against our troops. As I see it, what our original base bill did was prevent the President from taking supplemental money that the House and the Senate voted for and passed for emergency supplemental, which was going directly to take care of many of the ills our military had.

The gentleman's amendment would allow the President to take money out of that fund and use it to expand Kosovo. Our position is that no money should come out of that which would detriment readiness for our military, and secondly, that it would not expand Kosovo.

Now, as I see it, the situation today, and I will have the gentleman correct me, he has had a phone call from the President that says he will not take money out of readiness. Secondly, he will come back to this Congress for a supplemental to pay for this, and the money will not come out of the hide of defense. That is good.

If that is the case, this gentleman would be willing to accept the amendment of the gentleman from Missouri.

But I have feared, and to me there is a difference between expanding a war and being able to pay to keep people separated and prepare for the problems that we have over there, even though I think NATO ought to pay for this, not the United States.

I also want to make it clear that any supplemental is going to come out of the things that both sides want to do. Those are the social issues.

So if the gentleman has that guarantee in writing, and I say writing because I would tell the gentleman I know what ''is'' is. Just a verbal acknowledgment that the President has promised, this is not enough.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the gentleman from Missouri for yielding me this time. Just for the record, the gentleman's word is good enough for me. It does not have to be in writing.

Mr. CUNNINGHAM. Mr. Chairman, if the gentleman will yield, I did not say the word of the gentleman from Missouri (Mr. SKELTON) was not good. I said I did not believe the word of the President without its being in writing.

I totally take the word of the gentleman from Missouri (Mr. SKELTON).

Mr. REYES. Mr. Chairman, I appreciate the gentleman from California clearing that up.

Mr. Chairman, I rise today in strong support of the amendment to strike the Kosovo language from this bill.

Like many of my Democratic colleagues on the House Committee on Armed Services, my main concern with the underlying bill language has been and continues to be the inclusion of language which would basically require us to cease our operations in the Kosovo region at the end of this fiscal year.

Although I voted for the bill in the committee, I was greatly concerned with the message we were sending to Milosevic, to our military and the rest of the world. Although I do agree with the funds that we are providing in this bill, the manner in which the language is currently written will cause an unnecessary crisis on October 1 in the Balkans.

Having recently returned from that region and having heard from the refugees the horrors that they have experienced, I believe that we need to be in Kosovo and assist with the peace process.

I urge my colleagues to vote for the Skelton amendment and to make this defense authorization a truly comprehensive bill.

Mr. SKELTON. Mr. Chairman, may I inquire of the time remaining on each side.

The CHAIRMAN. The gentleman from Missouri (Mr. SKELTON) has 10 minutes remaining. The gentleman from Alabama (Mr. RILEY) has 13 minutes remaining.

Mr. RILEY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I rise in opposition to this amendment. This is a very important amendment, and what we do on it will be with us for a long time.

We are endorsing, if we vote in favor of this amendment, a policy of occupation of Kosovo for an endless period of time. We have now been fighting an undeclared war for more than 70 days. We have endlessly bombed a country the size of Kentucky killing many, many civilians.

It is an undeclared war. It is an immoral, illegal war. It violates the Constitution. It violates the War Powers resolution.

It is claimed now that we have had a great victory. But what we are doing now, after bombing a country to smithereens, is laying plans to occupy it. We are asking the American people to make an endless commitment to occupying this country.

A few years back, we were going to occupy Bosnia for a short period of time. We are still occupying Bosnia, spending between $10 billion, $20 billion already, depending on the estimate.

A few years back it was in our national interests to be involved in the Persian Gulf. We had to do a lot of bombing there and a lot of fighting. We are still bombing in the Persian Gulf. I mean, when will it end? Where do our borders end? What are the limits to our sovereignty? Where is our responsibility? It seems like it is endless anyplace, anywhere we have to go. We are now supporting an empire.

No wonder there is anti-American hostility existing around the world, because we believe that we can tell everybody what to do. We can deliver an ultimatum to them. If they do not do exactly what we say, whether it is under NATO or the United Nations or by ourselves stating it, what happens, we say, ''If you do not listen to us, we are going to bomb you.''

I think that policy is a bad policy. If we vote for this amendment, we endorse this policy, and we should not. This is not the end of the Kosovo war; it's only the beginning of an endless occupation and the possibility of hostilities remain. The region remains destabilized and dangerous. Only a policy of non-intervention and neutrality can serve the interest of the American people. The sooner we quit accepting the role of world policemen, the better. We cannot afford to continue our recent policy of intervention to satisfy the power special interest that influences our foreign policy.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri (Mr. GEPHARDT).

Mr. GEPHARDT. Mr. Chairman, after 78 long days, the United States and its NATO allies have won a major victory over the forces of instability and inhumanity. Today, we are trying to snatch defeat from the jaws of victory.

We have won the war. Serbian troops are withdrawing from Kosovo under the exact terms that we have held out since the beginning of this action. We now have an opportunity to win the peace finally in the Balkans.

A vote against the Skelton amendment would prevent us from achieving the fruits of our success, restoring peace and stability to Kosovo, returning 1 million refugees to their homeland, and making sure that the bloodshed will finally end.

Even if one was against the military action, one should be for the peacekeeping effort. If one cares about the humanitarian catastrophe that has happened in the Balkans, if one cares about the future stability in Europe, the peacekeeping effort is the best way to continue this success.

Our heroic young people, men and women, for 74 days led this air campaign against the Serbian military, and therefore, we must be part of the peacekeeping effort.

□ 1500

The President has said that the peacekeeping force will be overwhelmingly made up of European troops. We must continue to fulfill our obligation to NATO through our participation in this effort. Turning our backs on this effort now would send a horrible signal to NATO and to the rest of the world that the United States is turning to an isolationist stance.

Congress has been criticized for our erratic policy on Kosovo. This is our chance today to be consistent and to be united behind the policy of peace and responsible American leadership in the world. We have a responsibility to our troops, to NATO, and to the refugees to fulfill our role in this peacekeeping effort.

I pray that Congress can put aside the actions of the last several months and join together to support this effort. It is the right thing to do, it makes sense, and it is worthy of our bipartisan support.

I urge Members on both sides of the aisle to back the Skelton amendment, to back peacekeeping, and to back what is right for the world.

Mr. HUNTER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I thank the gentleman for yielding me this time.

What the Skelton amendment does is not what was just described. What the Skelton amendment does is give an absolute blank check.

Let me make it very, very clear. The language of the bill does not snatch defeat from the jaws of victory. Indeed, nothing in the language of the bill would in any way hamper the peacekeeping effort or the effort of our troops. What the language of the bill does, which the gentleman from Missouri (Mr. SKELTON) would like to strip out, is to say that the Congress has a proper role in deciding what our expenditures in support of the operations in Kosovo and in Yugoslavia ought to be.

It says that, in subsection (a), the President cannot spend these monies appropriated for other purposes in Kosovo. But it says in subsection (b) that the President has to, instead, come back to the Congress and ask for a supplemental appropriation in which he specifies what he wants for the operation in Kosovo.

That is perfectly logical, and I defend the product of the committee. It makes sense. It defines the proper policy and gives the Congress the role it ought to have.

But here is the problem with the Skelton language. The Skelton language would delete subsection (a), taking away the prohibition, giving the President the ability to do what he wanted to do with those funds. But then it leaves Pyrrhic language which does not protect anyone. It says if the President wants to use those monies in Yugoslavia, in Kosovo, he can go ahead the minute he transmits a request for a supplemental appropriation.

It does not say he has to get a supplemental appropriation, it does not say that Congress has to pass a supplemental appropriation. Indeed, any court reading the fact that this Congress had in the base bill subsection (a) saying the funds cannot be used and subsection (b) saying he must ask instead for a supplemental appropriation, and watching that on this floor we strip subsection (a), would read what we had left to say there is no prohibition. The President can do whatever he wants. He has a blank check.

I urge my colleagues to defeat the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I think it is very important here for the Members to hear the language that is in the bill that the gentleman from Missouri seeks to strike. It says:

> Section 1006. Budgeting For Operations In Yugoslavia. (a) In General. None of the funds appropriated pursuant to the authorizations of appropriations in this act may be used for the conduct of combat or peacekeeping operations in the Federal Republic of Yugoslavia.

Now, the gentleman from Missouri wants to strike that language, and I think every Member of this House should want to strike that language. I am on the Committee on Appropriations. It is not easy to get a supplemental appropriations bill through the Congress, and it may take us extra time to do it. We have had supplementals that get stalled for weeks.

I just think that to have an amendment like this that basically says we do not support either our troops in combat or our troops in peacekeeping is a mistake. But this one really bothers me.

We should strike this out of here. We know we are going to have our Marines going into Kosovo to conduct a peacekeeping mission, and all the legislative strategists on the other side there may say, well, but we will get a supplemental that will then do it, but we really do not support it because we passed this amendment.

Why do we not strike this thing out so it removes any ambiguity about our support for our troops in the field? That is what is wrong with this. It sends this mixed message that somehow we are not really for this and, therefore, we are going to come up with language that says we do not support either combat or peacekeeping.

Now, I do not see why we have to have this in this. This war is over. The peace is about to be established, and I think the Skelton amendment should be passed overwhelmingly; should be accepted by the majority.

Mr. HUNTER. Mr. Chairman, I yield myself 2 minutes.

First, I want to address my friend from Washington (Mr. DICKS). When the President asked for $6 billion within a supplemental for this operation, I wanted to give him $28.7 billion. We ended up, on this side of the aisle, giving the people in uniform, the people who count, $12 billion. We came up with twice as much for combat operations and for military accounts, for ammunition, for spare parts, for equipment than the President wanted. In fact, he complained he had too much.

The gentleman knows what the problem is here. The problem is in the fiscal year 2000 budget the President did not come up with a doggone cent for this operation. Everything that we have got in that $280-some billion budget is designated for certain things, like ammunition, where we are extremely low. We are $13 billion low on ammunition; spare parts. We crashed 55 aircraft last year in peacetime operations. We have got 10,000 troops on food stamps. We are 18,000 sailors short in the Navy.

The gentleman knows, as my good friend who works these issues with me, that we have a lot of deficiencies. And yet when the President came up with the budget, he did not put a dime toward Yugoslav operations.

Now, what does that mean? It means he is going to reach into the cash register and he is going to take money out that was going to go for M–16 bullets; it means he is going to reach into the cash register and take money out that would have gone for cruise missiles.

Now, I have voted with the gentleman on every single one of the amendments that have come up with respect to supporting the air war. We have, on this side of the aisle, when it really counted, we have given the men and women in uniform twice what the President wanted in terms of money. All we want is the assurance that the gentleman from Missouri (Mr. SKELTON), I believe now has received from the President, where the President called up and said, Okay, I am going to come with a supplemental appropriation, I will not take money out of readiness accounts.

And the gentleman knows as well as I do that we will have disserved the

men and women in uniform if we force them to continue to fly in unsafe aircraft. In many cases we have aircraft that are much older than they should, be; if we continue to make them go into conflict with inadequate munitions and all the other things, we are worried about the next war.

So I would just agree with the gentleman that we need to spend money on supporting the troops. We want to make sure money is spent on supporting the troops.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I thank the gentleman for his comments. I think we are aiming at the same destination.

The problem is that should a supplemental be 1 day, 1 week, 1 month or whatever late, whatever flows from this bill cannot be spent. They would be without food, without ammunition, without uniforms, and it would make a laughing stock out of the Congress of the United States. We do not intend that.

Mr. HUNTER. Reclaiming my time, Mr. Chairman, let me make one statement, and then I will yield to my friend.

I think the gentleman from Missouri would agree with me that we will have done a great service for the men and women in uniform if in fact the President says, Okay, on top of this year's appropriation and authorization for maintaining the military, I will come with extra money for the Yugoslav operation, for the peacekeeping operations, so we will not be dipping into ammunition accounts to fund that.

Would the gentleman agree with me?

Mr. SKELTON. Mr. Chairman, if the gentleman will continue to yield, that has been my intent all along. Now, the gentleman asked what the President told me a few minutes ago.

Mr. HUNTER. Mr. Chairman, let me take back my time for just a minute. I appreciate the gentleman's intent, he is my good friend from Missouri, but the President committing to do it is another step that goes beyond the gentleman's intent.

If the gentleman from Missouri had his way, we would be spending an additional $20 billion in defense this year. If I had my way, and I think if most people on my side of the aisle had our way, we would be spending an additional $20 billion in defense this year. The commitment from the President to come with a supplemental is, I think, a very important thing.

And I understand the gentleman now has a letter from the President that assures that?

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield very briefly to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the point I am making, I would like to see us say, Mr. President, send up a supplemental to take care of the peacekeeping and the combat because we support the effort; not saying we do not support it, or no money shall be spent on it. It is not a positive way of dealing with the problem.

Mr. HUNTER. Reclaiming my time, Mr. Chairman, I think the gentleman saw the results of the amendment that was just offered and saw the number of folks on both sides of the aisle who opposed the support of that amendment. I think that sends a message.

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

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I rise in favor of the Skelton amendment, which would strike from this bill a dangerous Republican provision that bars the use of funds for operations in Yugoslavia after September 30 of this year.

I would ask my colleagues on the opposite side of the aisle to please stop the political micromanagement of this conflict. We should be on this floor congratulating the President, giving support to our troops, and commending our negotiators and NATO for ethnic cleansing and genocide.

This provision could not be more untimely than it is today. Just yesterday, Yugoslavian and NATO officials signed an agreement that requires a demonstrable withdrawal of Yugoslavian military forces from Kosovo by this afternoon and a complete withdrawal within 11 days. The agreement also requires an immediate cease-fire by Yugoslav forces and a suspension of NATO air strikes once the withdrawal of forces has begun. NATO officials are monitoring developments in Kosovo as we speak to ensure that Yugoslavia abides by its agreement.

Stop undermining our troops and the President. Let us have all of us get together on this issue.

Mr. HUNTER. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong opposition to the Skelton amendment, and let me just say I have my deep admiration for the gentleman from Missouri (Mr. SKELTON). I am sure he is very sincere, but here we are, in the last minutes or last hours of this debate on such an important piece of legislation, and then at the last minute we get a call from the President of the United States saying a letter is on the way.

The gentleman from Missouri does not even have the letter in his possession. We have seen letters from the President of the United States before. We have seen letters from this President that had so many holes in them they leaked like a spaghetti strainer, for Pete's sake. We do not know what kind of guarantee we have from the President.

I am sure the gentleman from Missouri is sincere. I want to see exactly what the President has to say before we give him a blank check to spend billions of dollars out of readiness, putting our other people in jeopardy, to spend it down in the Balkans.

The American people want us to be responsible and be very careful in our consideration of the lives of these people that are defending our country. I do not believe the President of the United States has demonstrated that same type of consideration, as he has sent our troops all over the world, stretched them so thin that our people are in jeopardy now.

I say if the President is truthful, and the gentleman from Missouri (Mr. SKELTON) does believe that his commitment is true, I would ask him to withdraw his amendment. It is not necessary. The gentleman's amendment is not necessary if the gentleman believes the President's word. If the President's word, if we trust the President's word that he is not going to spend it out of this bill and that he will come to us with a supplemental, the gentleman should withdraw his amendment. It is not necessary.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentlewoman from Missouri (Ms. MCCARTHY).

Ms. MCCARTHY of Missouri. Mr. Chairman, I rise today to support the amendment offered by my colleague, the gentleman from Missouri (Mr. SKELTON). I commend the gentleman for offering this amendment and I urge my colleagues to support it.

We must stand behind our American troops who have spent the past 72 days in harm's way.

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Through their valiant actions and service, Mr. Milosevic has conceded to NATO's demands to withdraw Serb troops from Kosovo. While America celebrates this victory, our fighting men and women in Yugoslavia would be out of the resources and support that they need.

They have served willingly and honorably, and we must ensure that they are able to carry out the peace plan and stabilize this vulnerable region. We must take our role as the defender of democracy seriously so that all citizens of the world are empowered to speak freely out against totalitarian regimes.

Mr. Chairman, I rise today to support the amendment offered by my colleague from Missouri, Mr. SKELTON, Ranking Member on the Armed Services Committee. This amendment would delete the provision currently in H.R. 1401 which would prohibit the use of any FY2000 funds for operations in Kosovo after September 30.

I commend Mr. SKELTON for offering this amendment and urge my colleagues to vote in

favor of it. We must stand behind our American troops who have spent the past 72 days in harm's way. Through their valiant actions and service, Mr. Milosevic has conceded to NATO's demands and announced that Serb troops will begin their withdrawal from Kosovo immediately.

While America celebrates victory, our fighting men and women in Yugoslavia would be without the resources and support that they need. They have served willingly and honorably, and we must ensure that we are able to carry out the peace plan and stabilize this vulnerable region. The United States must stand firm at this point to ensure that the Albanians are able to return to Kosovo and to put America's strength behind the agreement with Milosevic.

Besides supporting our troops, we must also be sure that we continue our humanitarian aid to this area. Over a million refugees are depending on assistance from several countries to survive the brutality inflicted upon them by the Kosovar military. Without shipments of food, clothing, and medical supplies, these refugees would be in even worse conditions than the squalor that currently pervades the camps they are living in. We must not desert these people.

As the last "superpower" in the world, the United States must take its role as the defender of democracy seriously. We must not allow dictators like Milosevic to wipe out whole populations in order to "purify" the areas they rule. We must demand that all citizens of the world are empowered and free to speak out against totalitarian regimes.

I urge my colleagues to support the amendment of the gentleman from Missouri and support our troops.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, on April 28, when we were debating the resolutions regarding Kosovo, the President of the United States sent a letter to the floor of the House, and many represented that that letter meant he would obtain the approval of Congress before inserting ground troops. And then over the subsequent weeks we discovered he really did not mean it.

In testimony by the Secretary of Defense and the Secretary of State and their designees, they said, well, no, the President was not going to wait for a vote of approval by the House before sending in ground troops, if he felt ground troops were needed.

The point is that the mission in Yugoslavia can change. So if we accept the Skelton amendment and the mission changes and we have to send ground troops in, hear me, my colleagues, the President will say that this vote gives him the authorization. He will do it. My colleagues know he will do it, because he said he could send in ground troops without getting a vote by Congress.

What else can we do? I have tried in court. The Constitution gives Congress the right to declare war. But the court has said that a Member of Congress does not have standing. Even though the President carried on the war past the 60 days, in violation of the War Powers Resolution, we do not have standing to contest it.

The restriction in the bill, that the Skelton Amendment would remove, is all we can do to assert our right in the constitutional scheme.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I have a preferential motion.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY moves that the Committee do now rise and report the bill back to the House with a recommendation that the enacting clause be stricken.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, I apologize to the Committee for not informing them ahead of time of this motion, but I made the motion in order to obtain the time to respond to some of the comments that I have just heard.

I think if this institution is to regain an ounce of credibility in the way it has dealt with this entire issue of the war in Kosovo, it must pass the Skelton amendment.

I simply do not understand what I have seen in this House in the last 2 months on this issue. I have seen our good friends in the majority first vote against substituting a ground war for the air war that NATO is conducting. Then I have seen them vote against supporting the air actions that were being taken by our forces in the field.

And then, in a double reverse that would make Barry Sanders proud, they voted to double the amount of money that they wanted to spend on the same war they said they did not want to see fought.

I saw one member of the majority leadership in the other body stand up twice in meetings that we had with the President and tell the President that he was wrong to conduct military operations of any kind against Mr. Milosevic, and he even suggested that the United States was guilty of attacking a sovereign country.

That same Senator, the day the peace accord was signed, then attacked the President because Mr. Milosevic was being allowed to stay in power under the agreement that was just signed. I guess that means he believes that new governments can be brought into being in Yugoslavia through immaculate conception. I do not quite understand how that is possible, but I guess some people think it is. That kind of double reverse is enough to give anybody watching, a bad case of whiplash.

What is important here at this time is for the Congress not to make a negative statement about what is happening in Yugoslavia but to make a positive statement. Of all times, it is necessary for us to be unified if we are going to be in the strongest possible position to carry out our opportunity and our duties and our responsibilities because of the apparent ending of military action in Kosovo.

It seems to me that the way that we can assert a positive position at this time is to eliminate the language that the gentleman from Missouri (Mr. SKELTON) is trying to eliminate and, on a bipartisan basis, see to it that the way we handle our forces in that area is consistent with our national interest and consistent with stabilizing that area so we do not have to go through this again.

I urge support for the Skelton amendment.

Mr. Chairman, I ask unanimous consent to withdraw my motion.

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

There was no objection.

PARLIAMENTARY INQUIRY

Mr. HUNTER. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state his inquiry.

Mr. HUNTER. Mr. Chairman, does this side have an additional 5 minutes as a result of the request of the gentleman?

The CHAIRMAN. The motion has been withdrawn by unanimous consent.

Mr. HUNTER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I rise respectfully to oppose the Skelton amendment.

NATO has achieved a victory, but it is really not a victory. It is a cessation of war, a cessation for now. The war is stopped not because of bombing but because Congress did not give wholesale authorization to the war.

It is important that Congress maintain its constitutional duty to reign the administration's war policies through not providing a blanket authorization past September 30, which the Skelton amendment would affect.

The agreement that was passed involving the war does not involve the KLA, and the fact that it does not involve the KLA ought to give pause to Members of this Congress, because the KLA's goal is still an independent Kosovo. We could end up in a situation where our young men and women whom we all support would be in a circular firing squad with KLA members being arrested and Serb units trying to get back into the province.

A vote against the Skelton amendment would be a vote to support the troops. The only way that we are going to have peace in the end is to make sure that there continues to be congressional oversight. Let us not give that up.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I rise in very strong support of the Skelton amendment.

I would remind the Members of this body when President Bush stood up to another thug in the person of Saddam Hussein, every Member of the Republican leadership voted to give maximum executive authority to enable President Bush to act as Commander in Chief regardless of the War Powers Act.

Then after the vote was taken on which the Democrats were divided, we requested another vote; and we voted nearly unanimously to give maximum authority to President Bush to act as Commander in Chief. And on every single subsequent vote, it was nearly unanimous that this entire House voted to support the President. But now the Republican majority wants to snatch defeat from the jaws of victory.

We have prevailed in this war. We have a more resolute, a stronger NATO. We have worked in coordination with 19 nations. We have achieved something nearly miraculous. We have not lost one soldier, sailor, or airman to enemy fire. We have shown that we can wage an air war alone and be successful. We have won.

Let us sustain this victory. Let the President act responsibly with the advice of the military and not politically with the advice of the Republican majority of this Congress who are absolutely and irresponsibly wrong on this issue. Support the Skelton amendment.

Mr. HUNTER. Mr. Chairman, I yield myself the 30 seconds remaining.

Let me just put the playing ground where it is right now. At this point, we have in this bill a provision that makes the President come to the Congress for a supplemental instead of taking Kosovo money out of ammunition accounts, out of spare parts accounts.

The gentleman from Missouri (Mr. SKELTON) has advised us that the President has now made that commitment to us. I think that is something that the gentleman from Missouri (Mr. SKELTON) and the chairman should take up shortly and discuss.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. MORAN of Virginia. Objection, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. MORAN of Virginia. Mr. Chairman, under the rule, the gentleman from California (Mr. HUNTER) did not have the right. That is the reason for the objection.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, I express my appreciation to the chairman of the Committee on Armed Services.

Mr. Chairman, I rise in somewhat of a dilemma here regarding the Skelton amendment. If he were to suggest striking the language having to do in this proposal with section 106 relating to peacekeeping operations rather than the entire section, I would be in support of it. But as I was when we voted 213–213 back at the start of these activities in Yugoslavia, I continue to see no reason to be engaged in combat in Yugoslavia.

I am ready, willing, and able to support peacekeeping operations there, but I must draw the line on combat. I am supporting not doing combat in Yugoslavia. I am supporting doing peacekeeping in Yugoslavia.

If the gentleman would be so kind as to amend his request to only strike the combat portion so that, and I do not know the technical details, but if we would be allowed to do peacekeeping, I would be in support accordingly.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I think it is moot because the combat is over. That is in the past. Peacekeeping is the only thing in front of us. And I appreciate his support for that position.

Mr. OSE. Mr. Chairman, if the gentleman would continue to yield, I have great admiration for the gentleman from Missouri. My concern is that combat is just beginning.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding.

I think that the gentleman from Missouri has a very valid and sincere concern when he offers this amendment. But I, too, must oppose it and am opposing it because I still do not feel comfortable the way this administration has handled this aggressive NATO action.

NATO, as we know, is a defensive alliance and has been using an aggressive posture in Kosovo. For 78 days we have bombed the heck out of a country which is the size of Kentucky. We have 855,000 refugees that have left the border that have to be brought back, 500,000 within the borders. These people will be returning home within a month, but to homes that are not there, on roads that they cannot drive on, to jobs that no longer exist because the businesses have been blown up.

Ten thousand people have been killed. And what is worse, we have not gotten rid of Milosevic. I do not feel comfortable the way this administration has handled this.

Now, I like the idea that the administration will have to come back to Congress and ask us for additional funding or ask us for one thing or the other. It seems to be the only thing that attempts to keep this administration in check. We do not have international unity. We do not have national unity. We do not have the central question answered, which is, why are we in Kosovo to begin with?

□ 1530

To say that these 50,000, quote, peacekeeping forces are going to be in there only keeping peace is ridiculous. What happens when the people do not want to give up their guns and their ammunition? We know that we are going to be right back in a warlike posture.

I think, that being the case, it is very important that the administration continues to stay close to the Committee on Armed Services, to the Members of Congress, and to be accountable to us of what more money they want and what they want to spend and so forth. I am rising in opposition of the gentleman from Missouri's amendment.

Mr. SPENCE. Mr. Chairman, I have been hearing a lot of talk today on this amendment and on other amendments about cutting funds. I would like to remind this body that we are talking about funds in the fiscal year 2000 budget. No funds have been requested in the fiscal year 2000 budget for Kosovo. You cannot cut what you have not requested for. I think that is a big misunderstanding on the part of some people on the other side. I repeat, for clarity, you cannot cut what you have not already asked for in next year's budget. This is next year's budget.

PREFERENTIAL MOTION OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer a motion.

The Clerk read as follows:

Mr. HUNTER moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Chairman, is that motion renewable at this time?

The CHAIRMAN. It is in order. The last motion of the gentleman from Wisconsin (Mr. OBEY) was withdrawn by unanimous consent.

The gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Chairman, I yield to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. I thank the gentleman for yielding.

Mr. Chairman, we are in the process of negotiating a settlement of this matter. In the meantime, I would like to take this additional time to explain what we have before us today.

As I said a few moments ago, this budget that we have before us that we

are considering is for the year 2000. There are no funds requested by the President for 2000 for Kosovo in this budget.

We have recently, as my colleagues remember, passed a supplemental for Kosovo that took us up to the end of this fiscal year. You cannot do it for the next fiscal year.

We have had over a number of years now similar provisions to this one in our defense authorization bills. These provisions simply say that if any contingencies arise which are unbudgeted for, that the President should come before the committee and ask for funding for that. In the year that we are in right now, this fiscal year, that is what happened.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I appreciate the gentleman yielding. I would just point out that I think there is a problem, because it could well be that the Committee on Appropriations would appropriate money for the Kosovo peacekeeping, for this operation. If you have not authorized it, it would be subject to a point of order on the floor of the House. So the lack of authorization would have an impact.

Mr. SPENCE. The problem is, getting back to the point I was making, that the funds were not requested for. This provision is nothing new. It has been in other bills before now. Nothing unforeseen has happened because of them. As a matter of fact, as I just stated, the President came to us for a supplemental for funds up until the end of this fiscal year, it was passed and things keep on going. I suspect the same thing is going to happen again. This provision was put in the bill just like it has in the ones before, thinking no problem would arise because of it, and then this came up.

Now, we are in the position where we have to assume that the President is going to come back to us, as a matter of fact, he has said so before, that he will come to us with an additional request for funds for Kosovo for the year 2000, and that is where we are today. Nothing has changed. This provision in the law, as I said, is in the law right now and it is just repeating it again.

I will say something else again. The people here today in this body who are arguing on the other side of this issue have voted for this provision in other bills. As a matter of fact, they have voted for this provision in the context of a bill that we reported out of the Committee on Armed Services by a vote of 55–1. This issue came up in our committee, we voted on it, it was disposed of, and then when we voted a bill out of committee, those members by a vote of 55–1 voted for the bill with this provision in it. So we have the unconscionable position some people are taking today of opposing something they have already themselves voted for. I am just trying to explain why we have this provision in the bill and why nothing is wrong with it. People are trying to make it out as a cutting off of funds when you cannot cut off funds that have not even been requested for and are not provided for in next year's budget.

The CHAIRMAN. The time of the gentleman from California (Mr. HUNTER) has expired.

Does the gentleman from California seek withdrawal of his motion?

Mr. HUNTER. No, Mr. Chairman; I would be happy to have the other side proceed.

PARLIAMENTARY INQUIRY

Mr. SKELTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SKELTON. Mr. Chairman, my first question is how much time is left under the regular order for debate?

The CHAIRMAN. The gentleman from Missouri controls 2 minutes. There is no time left on the opposition.

Mr. SKELTON. My second question is, do I have 5 minutes in opposition to the gentleman's request?

The CHAIRMAN. The gentleman controls 5 minutes in opposition to the gentleman from California's motion.

Mr. SKELTON. Then I so claim.

My third inquiry is, would I be entitled to an additional 5 minutes should I seek to strike the last word at a later moment?

The CHAIRMAN. The gentleman is correct.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, the point I was trying to make, and I would like to hear the gentleman from South Carolina respond to it, if in fact the Committee on Appropriations appropriated money for Kosovo, that money would be subjected on the floor of the House, according to the Parliamentarian, to a point of order because it would lack authorization. So to say that this does not have any impact I believe is incorrect. And in fact our committee has put money in the appropriations bills for various peacekeeping operations before, so that it would not be taken out of readiness, which is the same thing that the gentleman from South Carolina wants to do.

I understand that good people here can have a differing view of this, and I certainly respect the gentleman's perspective on this. But I do believe that this amendment, if it is enacted, anybody in this House could stand up on the floor unless a rule were enacted and object on a point of order and the money in the appropriations bill would be stricken.

So I do not think we should take that risk. I think we should vote for the Skelton amendment.

PARLIAMENTARY INQUIRY

Mr. SKELTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SKELTON. The 1 minute that was just eaten up came out of the 5 minutes in opposition to the gentleman from California's motion, is that correct?

The CHAIRMAN. The time was consumed on the motion of the gentleman from California. The time was consumed by the gentleman from Missouri.

Mr. SKELTON. So I have 4 minutes left of that 5 minutes, am I correct?

The CHAIRMAN. The gentleman is correct.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from California.

Mr. HUNTER. I thank my friend for yielding.

I just wanted to note to my friend that we had one speaker who did not have an opportunity to speak because of the oversight of this side, the gentleman from Illinois (Mr. HYDE), and I would ask the gentleman's indulgence to yield to the gentleman from Illinois.

Mr. SKELTON. I yield to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Chairman, I thank the gentleman for the generous concession. As I look at this, both sides are right. You obviously are correct in that this is a terrible time to pull the plug on the operations over in Kosovo when we are on the verge of solving the most volatile part of that entire operation, and this is not the time to give signals of uncertainty as to where we stand or what abilities our commanders will have in the field.

On the other hand, they are perfectly correct over here in saying why are you not paying for this, why are you divesting and draining quality of life accounts, modernization accounts, ammunition accounts, readiness accounts. You are doing no favor to the cause of international stability by weakening and debilitating the rest of the military to pay for something going on in Kosovo.

Now, that ought to be resolved and should be resolved. We really should not be at loggerheads here. You are right and you are right. I just do not see why you cannot get together and have the administration ask for the money to pay for Kosovo and not keep draining the readiness accounts.

Mr. SKELTON. Mr. Chairman, I would like to mention to my friend from Illinois that the time for the President to make such a supplemental is hardly here. Number one, we have not even passed this bill. Number two, peace just broke out yesterday. I fully believe, based on my conversation with the President, that he is going to ask for a supplemental for peacekeeping in

Kosovo in a very timely manner. I am convinced of it. He said so to me.

Mr. Chairman, I yield to the gentleman from Texas (Mr. LAMPSON).

The CHAIRMAN. The Chair advises the gentleman from Missouri that he has 1 minute remaining on his time in opposition to the motion of the gentleman from California (Mr. HUNTER). That is the matter on which the Chair is dealing at this time.

PARLIAMENTARY INQUIRY

Mr. SKELTON. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SKELTON. I have 1 minute in opposition to the motion made by the gentleman from California (Mr. HUNTER), I have 2 minutes in regular time, and should I seek additional time on a striking of the last word, I would have 5 minutes there?

The CHAIRMAN. The gentleman is correct. However, the Chair will need to have a disposition of the gentleman from California's motion as soon as this 1 minute is complete.

Mr. SKELTON. I understand that.

Mr. LAMPSON. Mr. Chairman, I support the gentleman from Missouri's amendment which would delete the language that would prohibit funding military operations, be they offensive or defensive, in Yugoslavia.

In the tradition of the home State of the gentleman from Missouri, it is time that the United States show the world and Slobodan Milosevic that we as a Nation of peacekeeping people are committed to ensuring peace in Kosovo by continuing to fund the military operations in this region of the world.

Congress must support this important amendment. Now is not the time to blink. To cut off military funding in Yugoslavia during this initial stage of Serb troop withdrawals is not only bad policy for Kosovo but also for America and for the world. Support this amendment. Our Nation must show the world that we follow through on our promises to ensure peace in Kosovo now and for the future.

□ 1545

The CHAIRMAN. Does the gentleman from California ask unanimous consent to withdraw this preferential motion?

Mr. HUNTER. No, Mr. Chairman.

The CHAIRMAN. Then the question is on the motion offered by the gentleman from California (Mr. HUNTER).

The motion was rejected.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I rise in strong support of the Skelton amendment.

I have seen the refugee camps in Albania, the refugee camps in Macedonia. They are unlike anything I have ever seen, and I cannot do an adequate job of recounting to my colleagues the horror that the ethnic Albanians have been through.

I do want to quote to my colleagues from a letter written to the President from Elie Weisel, Nobel Peace Prize winner, and himself a Holocaust survivor, in terms of his observations as he visited the camps on behalf of President Clinton.

> What I saw and heard there was often unbearable to the survivor that still lives in my memory. In fact, I never thought I would hear such tales of cruelty again. Now I must share them with you in this brief report, which began in anguish and ended in qualified, vacillating hope. While I sat in my last session with the former prisoners of Milosevic's police, the Yugoslav parliament approved NATO's conditions for surrender.

Mr. Chairman, we know much has happened since then to advance that fragile hope for peace. Milosevic agreed to the terms, the G–8 agreed to the terms, U.N. language, U.N. Security Council language, was negotiated and agreed to across the G–8.

We know in the negotiation with the Serbian generals they had nothing but trouble. The generals tried to renege, more bombs were dropped, more Serbs were killed. Ultimately, the generals reconsidered and are back on the agreement.

The only doubt raised this afternoon on this peace is raised on the floor of this House, and that is an incredible thing. Across this 19-nation alliance, engaged in trying to address these horrors, this House, the People's House of the United States of America, would raise a doubt about our commitment to see this peace treaty go forward.

Support the Skelton amendment. Without passage of this amendment, we leave open the question, come October 1, whether the United States will continue to provide the vital leadership in bringing this matter to an end.

The CHAIRMAN. The time of the gentleman from Missouri (Mr. SKELTON) has expired.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from Arkansas (Mr. SNYDER).

Mr. SNYDER. Mr. Chairman, as my colleagues know, it seems like this provision in this bill has become like a piece of Super Glue we are all trying to shake off our hand and just cannot quite figure out how to do it.

With regard to what the chairman of the committee talked about, the 55 to 1 vote, being one of the 55, I thought we had some assurances during that fairly painful discussion that there would be work on this language. We are all trying to figure out a way to get around it, and in fact, the original rule that came to the House floor had a self-executing provision, the majority's rule, to get rid of this language, and the rule was defeated, I believe, or did not have the support only because of some other extraneous problems depending on some amendments that did not get on the floor under that rule.

So, I mean, this thing has been a problem from the very beginning, and I would hope that we could take care of it today.

As my colleagues know, after we had that 55-to-1 vote, we were all very proud of this bill, and what was the headline in the paper? ''House Votes to Cut Off Funds for Kosovo.''

That is what will happen again if this bill passes today.

I woke up this morning excited about all the work we put in this bill and finishing it and heard a radio report that the House will vote today on cutting off funds for Kosovo. That is the way this provision is going to be interpreted if we do not strike it, and I fear that we have got ourselves into an anti-commander-in-chief feeling, meaning anti-Bill-Clinton feeling in our partisan divide. I believe that is unfortunate.

I hope that we will vote for the amendment of the gentleman from Missouri (Mr. SKELTON) and put out the good authorization bill we have.

Mr. SKELTON. Mr. Chairman, a number of years ago the famous author Barbara Tuchman wrote a book, ''March of Folly,'' wherein she set forth a good number of examples where governments made actions and decisions contrary to their own best interests. It is my intent today to keep that from happening.

We in this Congress, this great deliberative body in which I am thrilled to be a Member, we should not, number one, send a signal not just our troops, but to the world, that we wish to cut off funds, but we should not gamble with this matter at all.

I fully intend to seek the President's offering of a supplemental to us. He told me he would. He also told me he would do it in a timely fashion. I certainly hope that comes to pass. Even if he does, it is a very timely request for a supplemental.

What happens if there is a long holiday or it gets hung up in the Senate, or there is a disagreement over putting another supplemental together with it? What happens if we run out of time on September 30? Congress will be the laughing stock of the world, and we would all have very embarrassed faces.

We do not want that to happen. We do not want that to happen at all.

So, with that in mind, I would certainly hope that my amendment would be adopted, that we can get on with our business. And, Mr. Chairman, the sad problem is, the real sad analogy is that this is a great bill, the best one I have seen, the best one I have seen since early 1980s. It really helps the young people in uniform. And to mess it up with an issue like this, sending wrong signals, and as a practical legal matter, we would have young men and young women doing peacekeeping; if a supplemental gets hung up for 2 weeks, we cannot feed them, we cannot clothe

them, we cannot give them ammunition.

That would be a terrible reflection upon this wonderful deliberative body.

Mr. Chairman, I yield to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, as my colleagues know, the good news is that the rest of the world is figuring out this institution is not on the level. When we had the earlier votes, somebody said it better than I can, we voted not to go backwards, not to go forward and not to do what we were doing.

Now we are in the process of implementing what I think is a broad-based goal of the American people and the Congress, stopping the killing of the Kosovar Albanians, getting them back in their homes, and we are in this dance. I am not sure what we do here has the meaning or the impact because of the irresponsible nature of these actions.

If we compare what the opposition in this Congress did during the Gulf War, once that initial vote was taken, the Democratic side of the aisle stood with the President every step of the way. One would get the sense here that every opportunity, there is an attempt to undermine a policy simply because it is successful.

Mr. MCGOVERN. Mr. Chairman, I rise today in support of the Taylor and Skelton amendments. I hope my colleagues on the other side of the aisle will refrain from offering amendments aimed at undermining the hard-won peace agreement in support of human rights and basic human dignity in Kosovo.

In bases across the United States and Europe, our men and women in uniform can be proud of the role they played in bringing peace and security to a suffering people. Their dedication and commitment not only ended the campaign of ethnic cleansing against the Kosovar Albanian people, but also reshaped the social and political landscape of Europe.

While only time will reveal the future of Kosovo, of the Balkans and of Europe as a whole, we do know this campaign marks a turning point in U.S.-European affairs.

Surely, there is a great deal left to be done in Kosovo. The most complicated, and perhaps the most dangerous, tasks still remain: ensuring the security of returning refugees, disarming the KLA, cleaning landmines and booby-traps set by Serbian troops, prosecuting war criminals who committed unspeakable acts against defenseless civilians, providing a framework to allow the Kosovar people—of all ethnicities—to govern themselves, and rebuilding the infrastructure and economies of the region. I believe the nations of Euripe will and should bear the greatest responsibility for achieving these objectives, but the United States will also play an important role. Once again, we shall ask much of our service men and women; and once again, I know they will carry out their duties with honor and distinction.

Celebration is not appropriate as we reflect on this hard-won peace. The horrors inflicted on the Kosovar people over the past months are too painful. The destruction of their homes, livelihoods and security will haunt the future. The tasks ahead of us are sobering. It is a moment to remember and honor their sacrifices. And most especially, to honor and to express our appreciation for the members of the U.S. Armed Forces and our NATO allies whose efforts demonstrated to the world community that the words "Never Again" are more than hollow rhetoric.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in support of Representative SKELTON's amendment. This amendment will strike the prohibition on the use of funds for operations in Yugoslavia.

The prohibition currently contained in H.R. 1401 requires that the administration submit supplemental budget in the event military operations continue into FY 2000. This statutory prohibition preventing the President from using funds contained in the FY 2000 defense authorization sends the wrong message to the Yugoslavian President Slobodan Milosevic. As negotiations continue to proceed towards a settlement, this body should resist the temptation to remove another bargaining chip from the peace table. Our sustained bombing of the Yugoslavian army and police units has began to take a toll. When we are so close to helping NATO achieve its objectives we should not relent. The bill as currently written will only encourage Milosevic to hold out against the terms of NATO.

This provision sends the wrong message to friend and foe alike. When we have stood by our NATO partners in this conflict or restore peace to the Balkans we should not now turn our collective backs on our partners. It should be clear that America still has a significant role in the security of Europe. Our NATO partners look at the United States for leadership and direction.

I believe that our leadership through this current crisis has brought Milosevic to the table of peace. When I visited the refugee camps last month in Albania, I had the chance to ask many of the ethnic Alabanians, if they thought NATO's actions where to blame for their situation. Mr. Chairman, to a person they all agreed that the responsibility for this crisis rests squarely at the feet of Milosevic. The Kosovar refugees are depending on the U.S. and NATO to fulfill their commitment of returning them safely to their homes. This body cannot relent from our mission of peace and must ensure that Milosevic pays a heavy price for his present policy of repression.

Every time that Congress says it will not fund this or that our troops should be out of the region by this date, we only embolden the forces of Milosevic. Our message should be singular in nature, committed to restoring peace in the Balkans. This provision establishes a fiscally driven date with no consideration of operational or diplomatic concerns. It sends a message to Milosevic that he need only to hold on for a few more months before funding for U.S. participation in the NATO air campaign or a peacekeeping mission is thrown into question.

Finally, Mr. Chairman, if this provision remains in the bill, the President has promised to veto this bill. This promised veto would come because of the negative effect on this provision on our troops, on the refugees to whom we have made commitments, and on the alliance which has provided security in Europe for fifty years.

I ask the members of this body to vote—"yes" on the Skelton Amendment, which demonstrates strong support for our national security.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 200, further proceedings on the amendment offered by the gentleman from Missouri (Mr. SKELTON) will be postponed.

The point of no quorum is considered withdrawn.

The Chair understands that Amendment No. 20 will not be offered.

It is now in order to consider Amendment No. 21 printed in Part A of House Report 106–175.

AMENDMENT NO. 21 OFFERED BY MR. SHAYS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part A amendment No. 21, offered by Mr. SHAYS:

At the end of title XII (page 317, after line 17), add the following new section:

SEC. 1206. REDUCTION AND CODIFICATION OF NUMBER OF MEMBERS OF THE ARMED FORCES AUTHORIZED TO BE ON PERMANENT DUTY ASHORE IN EUROPEAN MEMBER NATIONS OF NATO.

(a) IN GENERAL.—(1) Section 123b of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(2) by inserting after subsection (a) the following new subsection (b):

"(b) EUROPEAN END-STRENGTH LIMITATION.—(1) Within the limitation prescribed by subsection (a), the strength level of members of the armed forces assigned to permanent duty ashore in European member nations of the North Atlantic Treaty Organization may not exceed approximately—

"(A) 100,000 at the end of fiscal year 1999;

"(B) 85,000 at the end of fiscal year 2000;

"(C) 55,000 at the end of fiscal year 2001; and

"(D) 25,000 at the end of fiscal year 2002 and each fiscal year thereafter.

"(2) For purposes of paragraph (1), the following members are not counted:

"(A) Members assigned to permanent duty ashore in Iceland, Greenland, and the Azores.

"(B) Members performing duties in Europe for more than 179 days under a military-to-military contact program under section 168 of this title.

"(3) In carrying out the reductions required by paragraph (1), the Secretary of Defense may not reduce personnel assigned to the Sixth Fleet.".";

(3) in subsection (c), as redesignated by paragraph (2), by adding at the end the following new sentence: "Subsection (b) does

not apply in the event of declaration of war or an armed attack on any member nation of the North Atlantic Treaty Organization.''; and

(4) in subsection (d), as redesignated by paragraph (2), by striking ''The President may waive'' and all that follows and inserting ''The President may waive the operation of subsection (a) or (b) if the President declares an emergency. The President shall immediately notify Congress of any such waiver.''.

(b) CONFORMING REPEAL.—Section 1002 of the Department of Defense Authorization Act, 1985 (22 U.S.C. 1928 note), is repealed.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Connecticut (Mr. SHAYS) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Connecticut (Mr. SHAYS).

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

Mr. Chairman, before using my time, I want to just point out there are many cosponsors, and I would like to yield half of my time to the gentleman from Massachusetts (Mr. FRANK) to give out as he chooses.

The gentleman from California (Mr. ROHRABACHER), the gentleman from California (Mr. CONDIT), the gentleman from California (Mr. BILBRAY), the gentleman from Florida (Mr. FOLEY), the gentleman from Michigan (Mr. UPTON), and the gentlewoman from Michigan (Ms. RIVERS) are also cosponsors.

Mr. Chairman, I yield half of my time to the gentleman from Massachusetts.

The CHAIRMAN. Without objection, the gentleman from Massachusetts (Mr. FRANK) will be recognized for 7½ minutes and will be permitted to control that time.

There was no objection.

Mr. SHAYS. Mr. Chairman, to explain the amendment, first, this is a bipartisan amendment that is offered by Members from both the Republican and the Democrat side of the aisle and spans the ideological spectrum from liberal to moderate to most conservative member. It calls for a gradual decrease in the level of permanent stationed troops in Europe from 100,000 to 25,000, beginning with a troop reduction of 15,000 by September 30 next year, and then 30,000 troops the year after, September 2001, and 30,000 the year 2002, bringing us to a total of 25,000.

This amendment does not pull the rug out from under the Europeans, it does not reduce the overall U.S. troop levels, and it does not affect operations such as the operations in Bosnia or Kosovo. It simply says that we will have 25,000 troops instead of 100,000 and ask for our allies to pay more.

In the past, we have had burdensharing amendments. And we have had burdensharing amendments because the Japanese pay $3.4 billion for the 40,000 troops that we have in Japan. The Europeans now pay for 100,000, less than $70 million, a gigantic difference, and yet those European nations are quite wealthy.

The spending on military is a percent of our budget; we spend 17.4 percent. The European NATO nations spend 5.6 percent, and it is interesting to note that the leaders of the 15 European countries decided last Thursday to make the European unit a military power for the first time in its 42-year history with command headquarters staff and force for its own peacekeeping and peacekeeping missions in future crisis like those in Kosovo and Bosnia.

We are asking the Europeans to step up and pay more and do more, and we are asking that we be able to allocate our troops in a more efficient way and not spend so much of our money in Europe.

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

Mr. BATEMAN. Mr. Chairman I rise in opposition to the amendment.

Mr. Chairman, I am in no way unsympathetic with its purposes. I certainly hope that the opposition I will speak is a bipartisan opposition. I certainly do not oppose it, certainly for any partisan reasons; I oppose it because I think it is impractical and I think it is unnecessary. I think it is counterproductive to our national security interests.

We do not deploy our forces in Europe to defend someone else; we put them there because of our national security interest and concerns.

□ 1600

It is an error to say that we have a permanent force of 100,000 people there. We have a force that is as large as we choose it to be, as small as we choose it to be. We have no treaty obligation that commits us to a precise number of 100,000 or any other number. Those who are there are there because our military have determined it is in our national security interests for them to be there.

With reference to the cost, I can tell you that with the authorized force levels of the Army, the Navy, the Air Force and Marines, none of them have as much manpower authorized to them as they need to execute the missions being assigned to them, so you can bring every one of the 100,000 home and you will not have reduced the number of people in the military by one.

We are even in the very sad situation where we cannot even maintain the presently authorized end strength of the Army, Navy and Air Force because of problems in recruiting and in retention.

We are not going to reduce the cost to the defense budget one iota by this amendment. In fact, we will increase it by this amendment because you will force us to bring more of the troops home, even though our military believes they are better in our national security interests to be there than to be back in the Continental United States. At least in NATO, the NATO investment security account, we participate in by something like 23 percent. The rest of it on these bases in Europe is absorbed by the Nato Security Investment Account. We are not paying for it at all. If they come back and are garrisoned in the United States where the military do not think they serve our national security interests as well, we will pay more, not less.

So I do not understand, other than some sort of symbolism, what it is we are supposed to gain by reducing the number of our troops in Europe. If you want to argue there is not a fair burdensharing when we have had missions and deployments on the Continent of Europe, I am entirely in agreement with you. I do not think we should have had nearly the burden in Bosnia that we bore. I do not think we should have had the burden in Kosovo that we have borne. I think that was unfair and disproportionate.

But this amendment is not about any of that and would have no bearing upon any of that. This amendment is simply saying to the United States Department of Defense, you are going to have an arbitrary ceiling that is set legislatively on how many people you deploy somewhere, notwithstanding your views as to what serves the national security interests of the United States, and which will have zero implications in terms of the defense budget of the United States.

It is well intended, but ill-conceived. I hope it will be the pleasure of the House to defeat it.

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

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. CONDIT), a cosponsor of the amendment.

Mr. CONDIT. Mr. Chairman, I rise in support of this amendment. In the last few years the Europeans have increased their social spending while steadily decreasing the defense spending. Why? Because they rely on us to pick up their costs and to defend them. Our friends in Europe can afford the cost of defending themselves, and I think it is about time that they did that.

This amendment also has been criticized that maybe it will restrict our ability to put forces in Europe around the world if we need to in a timely fashion. This amendment does not remove our ability to respond to a worldwide European crisis. Under the current doctrine, we are able to leave the equipment there. As a matter of fact, currently we will have, with this amendment passing, we will have the ability to keep the equipment, tanks, three brigades' worth of equipment in Europe, which will mean that we will have the equipment there, and all we will have to do is send the men or the military in a short period of time. This amendment does not touch those reserve stocks. We are able to respond in

just a matter of hours because the equipment will be there. We are only removing the personnel.

So with that, I would ask my colleagues to support this amendment. We are having a hard time getting burdensharing passed. This is one way for us to do it. This is one way for us to make the point that it is time that our European allies and European friends paid their fair share. This will force them to do that by paying for their own defense.

Mr. Chairman, I rise in strong support of this amendment. I think we ought to take a hard look at some very serious issues regarding the defense of Europe and this amendment squarely focuses us on that.

Along with my friends, the gentleman from Connecticut, Mr. SHAYS; the gentleman from Massachusetts, Mr. FRANK; my colleagues from California, Mr. ROHRABACHER and Mr. BILBRAY; the gentlelady from Michigan, Ms. RIVERS; the gentleman from Vermont, Mr. SANDERS; the gentleman from Florida, Mr. FOLEY; and the gentleman from Michigan, Mr. UPTON; I am offering this common sense amendment to gradually reduce our forward military presence in Europe. Our goal is to decrease the number of troops in Europe from the current level of 100,000 to 25,000 between now and 2002.

It's not a secret that the United States has been the primary defender of Europe for the better part of this century. After World War 2 we adopted the Marshall Plan to help us defend our allies who were facing incredible economic times following six long years of war.

In those days the mission was to defend our European allies from an invasion by the Soviet Union and Warsaw Pact nations. Mr. Chairman, as important as that mission was, it doesn't take a rocket-scientist to figure out the Cold War has been over for a decade, yet, here we are continuing to subsidize Europe's defense. It just doesn't make sense that we should continue to do this.

I want to stress this amendment will not reduce overall U.S. troop levels, nor will it preclude the United States from participating in military operations in Europe. However, it finally restores European responsibility for defending its own borders. While U.S. subsidies for Western Europe's defense made sense during the Cold War, these expenditures are no longer necessary.

Is it any wonder that while Great Britain saw fit to decrease its government's defense spending from 24 percent to their GNP in 1951 to less than seven percent in 1997, it boosted social spending from 22 percent to 53 percent during the same time period?

The answer is a resounding NO. Our wealthy European allies—whose GNP-growth has actually outpaced our own economic growth—deliberately underfund their defense spending because they fully expect us to bear the costs of protecting them when they are fully capable of doing so themselves. It's time to let them do so.

Why is it that we spend $100 billion more than all the other NATO nations combined when their GNP and population base is larger than ours? It just doesn't pass the common sense test. Not now. Not ever.

I know there are some who may question whether this leaves us in a precarious situation as far as defending Europe is concerned. I want to be very clear about this. This amendment doesn't remove our ability to respond to world wide or European crises such as the current military operations in Yugoslavia. In fact, it enhances our ability by ensuring our forces remain mobile and prepared to respond to emergencies around the globe.

This amendment doesn't effect our prepositioned War Reserve Stocks in Europe. Currently we have 3 Brigades' worth of equipment—tanks and mechanized infantry—assigned to Europe. The methodology of placing 10 battalions' worth of equipment and material in strategic locations is sound. Our amendment doesn't affect these reserves. Those numbers do not change under this legislation. The equipment that is currently readily available to U.S. forces in the event of war or other emergency will continue to be readily available with this amendment.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. BATEMAN. Mr. Chairman, I yield 4 minutes to the gentleman from Washington (Mr. DICKS), in demonstration of the bipartisan support of this amendment.

Mr. DICKS. Mr. Chairman, first of all, I think this would be a very major mistake on the part of our country to reduce by 75 percent our force structure in Europe.

The reason we are in Europe is because it is in our national security interests to be in Europe. I believe the force structure we have there adds to stability in the area.

I would like to mention a few reasons why the Department of Defense opposes this. The proposed legislation is contrary to current guidance articulated in the national security strategy and force level recommendations in the 1997 Quadrennial Defense Review. The 1997 National Military Strategy states that current force structure and overseas presence posture are the minimum, minimum, force capabilities required to execute military responsibilities. Without detailed analysis of current and future requirements, it is impossible to determine if the existing force structure is adequate to accomplish our task. There is also a possibility that such a study may recommend force reductions based on changes in priorities and objectives.

The current U.S. overseas presence posture in Europe serves a number of critical concerns. First of all, as I mentioned, is regional stability. As evidenced by operations in the Balkans, regional stability in Europe is not a given. Eastern Europe in particular may see an increase in the number of failed and failing states, rogue actors and non-state entities that will threaten European stability as a whole.

U.S. forces serve as both a bulwark to existing security agreements and a deterrent to opportunistic aggression in the region. The credibility of this deterrent capability must be unquestioned in the eyes of those who would threaten our interests in the region: major U.S. staging areas, as we have seen in this operation, for EUCOM, CENTCOM, PACOM areas of responsibility. The proximity of U.S. forces to critical regions outside of Europe improves our capability to respond to crisis. The presence of U.S. forces in Europe serves to enhance deterrence and provide secure locations from which U.S. forces can operate in central Asia, southwest Asia, and south Asia.

Just for example, I was in England at Fairford to see our B–52 pilots and our B–1B pilots and KC–135s operating out of that area. Now, you have got to have these four deployed bases and U.S. forces there in order to be able to move forces from the United States to a place like Fairford and then into the area of responsibility in Yugoslovia. The fact that we have these troops forward based, in my mind, is exactly the right thing to do, because they can train in the area of responsibility and they add stability to the area. So I think this is a very drastic amendment and it should be, as it always has been in the past, overwhelmingly defeated by this House.

Mr. Chairman, I include the following information paper for the RECORD.

INFORMATION PAPER

Subject: Amendment Number 16 by Representative Shays mandates a phased reduction of European overseas presence force structure from current levels by 75% at the end of fiscal year 2002.

DoD Position: Oppose.

Proposed legislation is contrary to current guidance articulated in the National Security Strategy and force level recommendations in the 1997 Quadrennial Defense Review.

The 1997 National Military Strategy states that current force structure and overseas presence posture are the minimum force capabilities required to execute military responsibilities.

Without detailed analysis of current and future requirements, it is impossible to determine if the existing force structure is adequate to accomplish our taskings. There is also a possibility that such a study may recommend force reductions based on changes in priorities and objectives.

Talking Points: The current U.S. overseas presence posture in Europe serves a number of critical concerns:

Regional stability: As evidenced by operations in the Balkans, regional stability in Europe is not a given. Eastern Europe in particular may see an increase in the number of failed and failing states, rogue actors, and non-state entities that will threaten European stability as a whole. U.S. forces serve as both a bulwark to existing security agreements and a deterrent to opportunistic aggression in the region. The credibility of this deterrent capability must be unquestioned in the eyes of those who would threaten our interests in the region.

Major U.S. staging area for EUCOM, CENTCOM, and PACOM AORs. The proximity of U.S. forces to critical regions outside of Europe improves our capability to respond to crises. The presence of U.S. forces in Europe serves to enhance deterrence and

provides secure locations from which U.S. forces can operate in Central Asia, Southwest Asia, and South Asia.

NATO Leadership and commitments. The stability of the NATO alliance is a vital U.S. national interest as stated by both the President and Secretary of Defense. The presence of sizable U.S. forces in theater is a visible demonstration of our commitment to NATO. The United States would abrogate its leadership role and significantly reduce its influence on the shape of European security were we to sizably reduce our presence in Europe.

Partnership for Peace. As with NATO, the U.S. plays a vital leadership role in the Partnership for Peace (PfP). By increasing transparency and mutual understanding among Partners, PfP contributes immeasurably to stability in Eastern Europe and Eurasia. Because U.S. forces based in Europe routinely engage with Partner nations, they constitute the vanguard of a larger effort to build confidence and enhance security among PfP member nations.

Reassurance to Europeans in the event of Russian resurgence or instability. The future of Russia is uncertain. Economic and political instability remain a critical concern to European and U.S. security. A significant reduction in U.S. forces in Europe could contribute to further instability on the continent.

Integrated regional approach (complementing other U.S. elements of power). Military forces help to establish the conditions of peace and security that enable the application of other elements of power. We remain economically and politically committed to Europe. A significant reduction of our overseas presence would diminish our capacity to develop and implement a comprehensive regional approach.

Organization for Security and Cooperation in Europe (OSCE). The presence of U.S. forces overseas as a demonstrable commitment of U.S. resolve and leadership bolsters the effectiveness of international institutions like OSCE.

Finally, allies in other regions may see a large reduction of forces in Europe as a precursor of a more broad-scale withdrawal and the beginnings of a more neo-isolationist U.S. policy. This would serve to decrease our global influence and may encourage aggression elsewhere.

Mr. BATEMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, our colleague from Washington has it right, this is a drastic proposal. We have seen some burden-sharing amendments here in the past, but this is draconian. I am shocked by it.

As a matter of fact, I chair the delegation to the NATO Parliamentary Assembly, and so I follow NATO issues carefully, as do many of my colleagues who are here involved in this debate. I think this proposed reduction over 3 fiscal years is simply bad national security policy.

The U.S., as mentioned, is not in Europe to protect European interests, but to defend American national interests. Our borders are more secure because we kept the threat far from American shores through our worldwide forward-based military presence. The real threat to our interests is broad, such as the potential conflict in Korea or southwest Asia where U.S. vital interests lie.

The U.S. recently completed a reduction in Europe of our troops from the 320,000 to 100,000 level. I would ask the question, is this really sufficient to protect American interests there? It probably is. But if you reduce it systematically to 25,000, the practical effect is we cannot have even one combat division in Europe under those numbers.

Our vital security interests in Europe and globally have not been delineated since the end of the Cold War, but I think it is incumbent on us to understand what our interests are before we begin additionally modifying our force posture in Europe or anywhere else.

Remember the core of U.S. forces in the Gulf War. They were deployed from Europe. Many more months and much more capital would have been required to deploy to the Gulf without those forward-based forces. Today we are using airfields in Turkey for operations in northern Iraq. Forward deployment based out of Europe enhances U.S. readiness to respond expeditiously, which can increase our potential for success.

Even making a decision to reduce U.S. forces in Europe at this point, I think, would be premature. DOD is in the early stages of its European Posture Review. In it, DOD is evaluating options to reduce stress on U.S. forces in Europe. The impact of these changes in force numbers, types and equipment, I am told is quite seriously being examined. Included will be review of U.S. commitments to Kosovo. It is prudent to wait for the completion of this study, which will be grounded in empirical data and be subject to careful examination. Completion is expected in the next several months.

In addition, over time, the European Union's new ESDI, European Security and Defense Initiative, has, I think, great potential to contribute meaningfully to Europe's defense and to allied burden-sharing. But, let us face it, the gap in weapons technology is growing between our European and Canadian partners in NATO, rather than shrinking. At this point our force commitment is really needed in Europe.

I urge defeat for this amendment.

Mr. SHAYS. Mr. Chairman, I yield myself 20 seconds to just point out our amendment contains a conforming repeal of section 1002 of the Department of Defense Authorization Act of 1995. There at C(1) it says the end strength level of members of the Armed Forces of the United States assigned to permanent duty ashore in Europe member nations in NATO may not exceed a permanent ceiling of approximately 100,000 in any fiscal year. The number exists and we are amending that.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the amendment. Simply put, it reduces our troop strength in Europe from 100,000 to 25,000 over a 3-year period. This makes a lot of sense, does it not? The Cold War is over. The threat that we tried to deter for such a long time, the Soviet Union, is no longer a threat. It is time for us to say to our troops, good job, come on home. It is not time to say let us find another way to spend money, let us find another way of using these troops.

That is ridiculous. NATO was meant, and we carried a burden for 4 decades, it costs us hundreds of billions of dollars, to protect Europe. Yes, the argument was correct, we were protecting ourselves, because there might have been a Soviet invasion. That has been handled now. Now it is time to decrease the number of troops in Europe so that we can spend that money elsewhere, whether it is in Social Security or Medicare, or whether it is for our readiness and troops someplace else in the world, like Asia, where there may be a threat to our national security.

But we do not need to subsidize Europe's defense anymore. In fact, this is not subsidizing Europe's defense, we are subsidizing stability. Is that not great? If we do not reduce our troops in Europe, if we do not reevaluate our position in NATO, there will be many more Balkan adventures, whether it is Moldova or elsewhere, draining tens of billions of dollars, putting us in jeopardy because we will spend ourselves into a position where we are vulnerable to our real enemies and we will break our bank. We will just not be able to do it.

Let us have no apologies. We have no apologies about watching out for America's interests, spending money for our defense. But this amendment makes it clear that the Cold War is over and it is a waste of our money to be defending Europe, spending billions of dollars putting troops in Europe to protect their stability. They are richer than we are. Let them pick up their own price tag.

□ 1615

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 1 minute to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank my friend for yielding time to me.

The current situation regarding U.S. troop presence in Europe is very strange, because many countries in Europe are now far wealthier than the United States and are more than able to defend themselves. They do not need us.

In Europe, because their countries invest in health care, almost all Europeans have free or inexpensive health care. Yet in our country, 43 million Americans lack health care. In Europe,

almost all young people are able to go to college free or very inexpensively. In our country, young people and their families are going deeply into debt.

It seems to me absolutely appropriate that Europe provide more funds for their own defense. If they do that, maybe we can join them and provide health care to all of our people, and free and inexpensive college education to our young people.

Mr. BATEMAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I want to thank the gentleman from Virginia (Mr. BATEMAN), a member of our Committee on Armed Services, for yielding.

Though I have the highest respect for the author of this amendment, the gentleman from Connecticut (Mr. SHAYS) and his underlying intentions, I am strongly opposed to this measure. I base my opposition on two concerns.

First, I believe the notion that we would be reducing the burden of our Armed Forces to our taxpayers by agreeing to the amendment is based upon a false impression. We have invested significantly over the past 50 years in our military infrastructure in Europe. It is this investment that is now paying dividends which allowed us, such as the air strikes in the Federal Republic of Yugoslavia, to utilize our bases in Italy, Germany, the United Kingdom, and in other countries.

It is also paying off in the NATO mission in Bosnia, where we were able to rotate in units from our Armed Forces in Germany and to protect them with air power based in Italy at a much lower cost than having them flown in from the United States, as we appear to be facing an imminent new NATO mission in Kosovo, and we will see our investment recouped there as well.

The reductions in Armed Forces required by this amendment simply mean that we will have to forfeit our investment in infrastructure.

The second basis for my concerns about this amendment arise from the implications in the message that sends, particularly to our newest allies in Central and Eastern Europe and those in that region that aspire to become our allies. We would forfeit our leadership within the North Atlantic Council and send a disturbing signal to our allies about the nature of our commitment to our common security requirements.

Since the end of the Cold War, we have already reduced our troop levels by over two-thirds, from more than 300,000 to just over 100,000. While that sizeable reduction is warranted, the drastic cuts called for in this amendment are not.

I most of all would like to emphasize to my colleagues that our Armed Forces are not in Europe because they serve Europe's interest, but because they serve our Nation's interest. So I urge my colleagues to vote no on this amendment and preserve our Nation's vital role in Europe.

Mr. Chairman, I thank the gentleman from Virginia a member of our Armed Services Committee, Mr. BATEMAN, for yielding. Although I have the highest respect for the author of this amendment, Mr. SHAYS, and his intentions, I am strongly opposed to this measure.

I base my opposition on two concerns. First I believe that the notion that we would be reducing the burden to our armed services and to our taxpayers by agreeing to this amendment is based upon a false impression. We have invested significantly over the past fifty years in our military infrastructure in Europe.

It is this investment that is now paying off which allows NATO air strikes in the Federal Republic of Yugoslavia utilizing our bases in Italy, Germany, the United Kingdom and in other countries. It also was paying off in the NATO mission in Bosnia where we are able to rotate in units from our armed forces in Germany and protect them with air power based in Italy at a much lower cost than having to fly them in from the United States. As we appear to be facing an imminent new NATO mission in Kosovo, we will see our investment recouped there as well.

We not only face missions in Europe that our forward deployments there make easier. We have our on-going effort in the Persian Gulf for which we rely on the air base we share with Turkey, and in recent years we have been called upon to respond to humanitarian emergencies in Africa.

The reductions in armed forces required by this amendment simply mean that we will have to forfeit our investment in infrastructure.

The second basis for my concerns about this amendment arises from the implications of the message it sends, particularly to our newest allies in central and eastern Europe and those from that region that aspire to become our allies.

We would forfeit our leadership within the North Atlantic Council, and send a disturbing signal to our allies about the nature of our commitment of our common security requirements. Since the end of the Cold War we have already reduced our troop levels by two-thirds—from more than 300,000 to just over 100,000. While this sizeable reduction was warranted, the drastic cuts called for in this amendment are not.

I most of all would like to emphasize to this House that our armed forces are not in Europe because they serve Europe's interest, but because they serve the United States' interests. I urge my colleagues to vote no on this amendment and preserve the U.S. vital role in Europe.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the gentleman from Virginia said that he agrees that the Europeans are not doing enough on the ground. There is virtual unanimous agreement here that it is an inappropriate strain on the American taxpayer and the American defense establishment for us to be providing the ground troops that will have to be contributed from America in Kosovo and Bosnia. We are told time and again we should not have to do it, but the Europeans are not capable without us.

There is only one way we will reach a situation where the Europeans are able to provide the ground troops for European activity. That is by beginning a 3-year process. This begins a 3-year process of a drawdown in American troops. At the end of the first year, we will still have 85,000 there. Then we will go down to 60,000, then to 25,000.

The fact is that the remaining lavish welfare program in the world is the one by which American taxpayers allow our European allies not to bear a fair share of the burden. Members say, oh, we wish the Europeans would do it. We can wish and we can wish and we can wish, and it is not going to happen. It will happen when we bring down our troops.

By the way, this amendment leaves the Sixth Fleet in place. We are not abandoning Europe. Members say, well, we need the forward bases. Are they telling us that if we leave the Sixth Fleet and 25,000 troops, our European allies will deny us access to these bases? They will not deny us access to these bases, although there have been times in the past, particularly when the Middle East was involved, when they have restricted our use of those bases.

We are not talking about shutting down the bases, necessarily, although I must say, when it comes to shutting down bases, I do not understand why this Congress should always be willing to shut bases in America and never shut bases overseas.

The gentleman says, what about the spending? It is also, by the way, one of our major foreign aid programs. I am for more foreign assistance to the poor, but substantial foreign assistance in the billions and billions of dollars to Europe, to Germany, and Italy, does not make sense.

As to whether or not it saves defense money, we are not here reducing overall strength. But if they are not pinned down there, if there is more flexibility, and in particular, if this leads the Europeans to have the ground troops, then we could at the end of this period perhaps reduce our troops.

Is there a Member of the House who thinks it is legitimate that the United States, that has all the burden in South Korea, most of the burden in the Middle East, that did most of the air war in Kosovo, that we should also have to have thousands of American peacekeeping troops, at the cost of billions, in Bosnia and Kosovo?

If Members vote down this amendment, then please do not, in the future, lament the fact that American ground troops were necessary as part of the peacekeeping forces in Kosovo and Bosnia, because as long as we make the

Europeans this gift of welfare, they will never have the capacity.

Let us do a little capacity-building. Let us follow the principles we have tried in some parts of welfare reform. Let us tell the Europeans that within 3 years, they are going to be on their own and we will stop enabling them not to do their own job.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from San Diego, California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I rise in support of the amendment. I would like to echo, for once I would like to echo the position of my colleague, the gentleman from Massachusetts (Mr. FRANK): Let us not be enablers. We are enabling Europe not to bear their fair share of the responsibility of defending their neighborhood.

The United States has restructured our presence all over the world, but explain to the people of America, where we are going have 100,000 troops in Europe to defend Europe, but we are now not going to have any troops in the Panama Canal Zone; that the Western Hemisphere is somehow not quite as important as Europe.

We have gone through changes. I will remind my colleagues, we have gotten out of the Philippines, we have pulled out of places all over the world where we have found now we need to restructure.

We went into Europe with NATO with a plan of defending Europe and to keep NATO from being overrun within a week. I ask my colleagues, who is planning to overrun Europe within a week? Who can constitute the threat to justify the American presence? In fact, it is not there.

The most important issue is this: We continue to subsidize the European community at the price of American taxpayers. We not only have a right, we have a responsibility to expect our allies to tow their fair share. Being an ally does not mean how many troops we put on their soil. Australia is a major ally of this country. There are 300 U.S. troops in Australia. Does that make them less of an ally than Europe? Let us use that as an example: Fair share. Help Europe do the right thing and defend themselves on their soil, and use us as an aid, but not a crutch.

Mr. BATEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SISISKY).

Mr. SISISKY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this is a very popular issue. We have had this issue before, of course, in the name of burdensharing. But I want to remind my colleagues, this is not a goal, this is the real thing. In burdensharing we had a goal.

I listed a number of points here that hopefully will convince most of the people that this is a bad deal.

Number one, the force level we have now is a minimum requirement, according to the current national security strategy, which is the QDR.

Number two, the Secretary of Defense right now is conducting a European posture review to re-evaluate force requirements in Europe.

Number three, the presence of U.S. forces helps Europe to preserve regional stability and recover from instability.

Number four, there is no substitute for being there. Europe is a major staging area for surrounding regions.

Number five, the presence of sizeable U.S. forces in theater is a visible demonstration of our commitment to NATO.

Number six, U.S. forces in Europe play a vital role in rebuilding Eastern Europe through a partnership for peace.

Mr. Chairman, let me just say this, the troops that we have in Europe are there for our convenience, not the Europeans' convenience, with stability and other things, and the ability to go from Europe to anyplace, along with families who travel with our troops. I would remind this body that we reduced from about 350,000 troops in 5 years to 100,000, and we should never forget that.

Mr. Chairman, I would ask this body, please vote no on this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield the balance of our time to the gentleman from Michigan (Mr. BONIOR), the minority whip.

The CHAIRMAN. The gentleman from Michigan (Mr. BONIOR) is recognized for 2 minutes.

Mr. BONIOR. Mr. Chairman, I thank my colleague for yielding, and I want to thank my colleagues, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Connecticut (Mr. SHAYS), for their amendment.

Mr. Chairman, I took this well back in 1991 on this very bill and I offered an amendment, and did not tell anybody I was going to do it, did not tell our leadership, I did not tell anybody on this side of the aisle. I certainly did not tell the Japanese government.

I offered an amendment on burdensharing. We had 50,000 troops stationed in Japan at that time. We were paying 75 percent of the cost for those troops to be there, defending basically Japanese interests, and our interests as well, but the Japanese interests, in addition to that. That seemed to me to be an unfair ratio.

I offered an amendment to change that ratio or to bring American troops home. Within 3 months, and by the way, that passed on the floor 350 to 50, something like that, it passed in the Senate and the President signed it into law. Three months later, Secretary Baker signed an agreement with the Japanese to pick up 50 percent of the cost. Now we are moving closer to the 75–25 reversal in sharing of those costs of American troops in Japan.

We need to do the same thing in Europe. This amendment will help us get there. This amendment will help our European allies continue to meet their responsibilities within Europe. They have begun to, after a shaky start in Bosnia-Herzegovina, in a very positive way throughout this process that we have just gone through with NATO in the Balkans, in Kosovo, in Southeastern Europe. They need to pick up the financial burden, as well.

I urge my colleagues to support this amendment.

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

Mr. Chairman, I would just like to continue where the gentleman from Michigan (Mr. BONIOR) ended and to say that what he did and because of what the Members did supporting him, we now get $3.6 billion in cash from the Japanese. When we started these burdensharing amendments a few years ago, the Europeans were paying $300 million for over 100,000 troops.

□ 1630

Now, they dropped down to $200 million, and now the latest number is $66 million. They are getting the message from us. We are fools. Yes, we are fools. They are just going to keep asking us to pay more.

I am sure our troops in Europe are there for our convenience and because we want them there, but they are there because the law says that we have to be up to 100,000. We want to move it to up to 25,000 over 3 years.

We want the European nations, which are as wealthy as we are, to defend themselves. We do not need 100,000 troops to defend from a Soviet attack. It is just not there. This has to someday be added, and the sooner we do it, the better.

Our military is not as strong as it should be because we are oversubscribed in weapons systems. Our military is not as strong as it should be because our allies are not paying their fair share. Our military is not as strong as it should be because we have too many bases at home and abroad. We had better cut them in order to survive as the nation of power.

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

Mr. Chairman, I remind my colleagues that there is a world of difference between not exceeding which is a floor, not a ceiling. I would further remind my colleagues that everything they have heard on behalf of this bill or this amendment is really not going to accomplish anything that was said on its behalf.

It is certainly not going to achieve flexibility for deployment of our forces. It is inflexible when my colleagues say we cannot put people there that our military says they want there for our national security purposes. My colleagues are not accomplishing anything. My colleagues are not adding

one troop to any European subcountry's army. My colleagues are only detracting from the flexibility of our own government to defend its interests.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I oppose the Shays-Frank amendment which would reduce American troops in Europe from 100,000 to 25,000. If American troops were deployed in Europe only for the purpose of defending Europe, I might support the amendment. However, the fact is that an overseas presence in Europe is in the interest of the United States because it is an essential element for our engagement in the world. Despite the fact that it entails costs, it carries risks. There is no alternative but to have continued American engagement in the world.

We have a responsibility to use our unchallenged position of global leadership in a fashion that will make the universeal hope for peace, prosperity and freedom the norm of international behavior.

Engagement is essential to our military security. Military engagement abroad is essential to build and enforce a more peaceful, cooperative world in which human rights, fair trade practices, and other interests and values can flourish.

Effective international engagement requires an active and extensive military involvement abroad, especially in Europe. A military presence in Europe serves us in many ways. It contributes to regional stability. U.S. forces serve both as a bulwark to existing security agreements and, in turn, to aggression in the region.

It enhances our ability to respond to crises around the globe. It is a visible demonstration of our committment to NATO and alliance that has maintained the peace and stability for Europe for 50 years. I might mention, Mr. Chairman, I was pleased to be present when the three new nations joined NATO just a number of weeks ago in Independence, Missouri.

Mr. Chairman, the U.S. policy of engagement has been a success largely due to the performance of our military. Although the struggle for international peace may never be concluded, we must continue to make this effort. It is an effort we cannot make without a well-equipped, highly trained, and ready military force. Deployment in Europe is essential to our readiness and to our ability to meet and deter other threats.

We should reject, Mr. Chairman, this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the ranking member for yielding to me, and I thank him for the great courtesy that he has shown in this debate.

I would just point out the amendment that we have offered hardly disengages from Europe. Our amendment would leave in Europe, untouched, the Sixth Fleet, one of the great fighting forces in the history of the world. It would also leave 25,000 troops and a cooperative effort on the bases.

The question we have to face is this is, there is virtual unanimity in this Chamber lamenting the need for American ground troops to be part of the ongoing peacekeeping force in Bosnia and Kosovo.

By the way, this amendment leaves in place language that allows the President at any time to dispatch troops in an emergency and to waive the restriction.

The point we have is this: We believe there ought to be a European capacity not to duplicate the Sixth Fleet, which will be there, not to duplicate our air power, but to provide peacekeeping ground forces. We are convinced that as long as America has 100,000 troops there year in, year out, no matter what, there will never be the capacity in Europe to do it.

One of the opponents of our amendment said, well, the Europeans are fully behind us in capacity, do not allow them to fall further behind. Give them a 3-year notice. Three years from now this wealthy concentration of sophisticated industrial nations will be responsible for the ground forces on their own in all but emergency circumstances.

We believe in the Sixth Fleet. They will be there if we need them. Otherwise, be prepared to continue American ground forces as part of peacekeeping operations in Kosovo and Bosnia ad infinitum.

Mr. SKELTON. Mr. Chairman, despite the eloquence of the gentleman from Massachusetts (Mr. FRANK), I feel compelled to say that I still remain opposed to his amendment. I will vote against the amendment. It is essential that America remain engaged in Europe.

We have cut back our troop strengths so very, very much. One hundred thousand, quite honestly, in my opinion, is the minimum amount that we should have.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut (Mr. SHAYS).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. DICKS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 200, further proceedings on the amendment offered by the gentleman from Connecticut will be postponed.

AMENDMENTS EN BLOC OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, pursuant to section 3 of House Resolution 200, I offer amendments en bloc.

The CHAIRMAN. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc to H.R. 1401 as reported offered by Mr. SPENCE, amendments in Part B of House Report 106–175: Amendment No. 22, amendment No. 23, amendment No. 24, amendment No. 25, amendment No. 26, amendment No. 27, amendment No. 28, amendment No. 29, amendment No. 30, amendment No. 31, amendment No. 32, amendment No. 33, amendment No. 34, amendment No. 35, amendment No. 36, amendment No. 37, amendment No. 38, as modified, amendment No. 39, amendment No. 40, amendment No. 41, amendment No. 42, as modified, amendment No. 43, amendment No. 44, amendment No. 45, as modified, amendment No. 46.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. GALLEGLY OF CALIFORNIA

(Amdt B–22 in House Report 106–175)

At the end of title I (page 32, before line 15), insert the following new section:

SEC. 152. PROCUREMENT OF FIREFIGHTING EQUIPMENT FOR THE AIR NATIONAL GUARD AND THE AIR FORCE RESERVE.

The Secretary of the Air Force may carry out a procurement program, in a total amount not to exceed $16,000,000, to modernize the airborne firefighting capability of the Air National Guard and Air Force Reserve by procurement of equipment for the modular airborne firefighting system. Amounts may be obligated for the program from funds appropriated for that purpose for fiscal year 1999 and subsequent fiscal years.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. SPENCE OF SOUTH CAROLINA

(Amdt B–23 in House Report 106–175)

At the end of title I (page 32, before line 15), insert the following new section:

SEC. 152. COOPERATIVE ENGAGEMENT CAPABILITY PROGRAM.

(a) AUTHORITY TO PROCEED.—Cooperative engagement equipment procured under the Cooperative Engagement Capability program of the Navy shall be procured and installed into commissioned vessels, shore facilities, and aircraft of the Navy before completion of the operational test and evaluation of shipboard cooperative engagement capability in order to ensure fielding of a battle group with fully functional cooperative engagement capability by fiscal year 2003.

(b) FUNDING.—The amount authorized to be appropriated in section 102(a)(1) for E–2C aircraft modification is hereby increased by $22,000,000 to provide for the acquisition of additional cooperative engagement capability equipment. The amount authorized to be appropriated in section 102(a)(4) for Shipboard Information Warfare Exploit Systems is hereby reduced by $22,000,000.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. HALL OF OHIO

(Amdt B–24 in House Report 106–175)

At the end of subtitle B of title II (page 37, after line 13), insert the following new section:

SEC. 213. SENSE OF CONGRESS REGARDING DEFENSE SCIENCE AND TECHNOLOGY PROGRAM.

(a) FAILURE TO COMPLY WITH FUNDING REQUIREMENTS.—It is the sense of Congress that the Secretary of Defense has failed to comply with the funding objective for the Defense Science and Technology Program, especially the Air Force Science and Technology Program, as required by section

214(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1948), thus jeopardizing the stability of the defense technology base and increasing the risk of failure to maintain technological superiority in future weapons systems.

(b) FUNDING REQUIREMENTS.—It is further the sense of Congress that, for each of the fiscal years 2001 through 2009, it should be an objective of the Secretary of Defense to increase the budget for the Defense Science and Technology Program, including the science and technology program within each military department, for the fiscal year over the budget for that program for the preceding fiscal year by a percent that is at least two percent above the rate of inflation as determined by the Office of Management and Budget.

(c) CERTIFICATION.—If a proposed budget fails to comply with the objective set forth in subsection (b), the President shall certify to Congress that the budget does not jeopardize the stability of the defense technology base or increase the risk of failure to maintain technological superiority in future weapons systems.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. REYNOLDS OF NEW YORK

(Amdt B–25 in House Report 106–175)

At the end of subtitle B of title III (page 45, after line 13), insert the following new section:

SEC. 312. REPLACEMENT OF NONSECURE TACTICAL RADIOS OF THE 82ND AIRBORNE DIVISION.

Of the amount authorized to be appropriated by section 301(1) for operation and maintenance for the Army, $5,500,000 shall be available to the Secretary of the Army for the purpose of replacing nonsecure tactical radios used by the 82nd Airborne Division with radios, such as models AN/PRC–138 and AN/PRC–148, identified as being capable of fulfilling mission requirements.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. EVANS OF ILLINOIS

(Amdt B–26 in House Report 106–175)

At the end of subtitle F of title V (page 138, after line 13), insert the following new section:

SEC. 553. AUTHORITY FOR AWARD OF MEDAL OF HONOR TO ALFRED RASCON FOR VALOR DURING THE VIETNAM CONFLICT.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Army, the President may award the Medal of Honor under section 3741 of that title to Alfred Rascon, of Laurel, Maryland, for the acts of valor described in subsection (b).

(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Alfred Rascon on March 16, 1966, as an Army medic, serving in the grade of Specialist Four in the Republic of Vietnam with the Reconnaissance Platoon, Headquarters Company, 1st Battalion, 503rd Infantry, 173rd Airborne Brigade (Separate), during a combat operation known as Silver City.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. SWEENEY OF NEW YORK

(Amdt B–27 in House Report 106–175)

Page 142, line 12, strike ''may'' and insert ''shall''.

Page 142, line 13, insert ''qualified'' after ''to support''.

Page 142, line 15, before the closing quotation marks insert the following:

The Secretary shall prescribe by regulation standards for determining what nongovernmental organizations are qualified for purposes of this subsection, the type of support that may be provided under this subsection, and the manner in which such support is provided.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. BUYER OF INDIANA OR MR. ABERCROMBIE OF HAWAII

(Amdt B–28 in House Report 106–175)

At the end of subtitle E of title VI (page 207, after line 5), insert the following new section:

SEC. 655. DISABILITY RETIREMENT OR SEPARATION FOR CERTAIN MEMBERS WITH PRE-EXISTING CONDITIONS.

(a) DISABILITY RETIREMENT.—(1) Chapter 61 of title 10, United States Code, is amended by inserting after section 1207 the following new section:

''§ 1207a. Members with over eight years of active service: eligibility for disability retirement for pre-existing conditions

''(a) In the case of a member described in subsection (b) who would be covered by section 1201, 1202, or 1203 of this title but for the fact that the member's disability is determined to have been incurred before the member becoming entitled to basic pay in the member's current period of active duty, the disability shall be deemed to have been incurred while the member was entitled to basic pay and shall be so considered for purposes of determining whether it was incurred in the line of duty.

''(b) A member described in subsection (a) is a member with at least eight years of active service.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1207 the following new item:

''1207a. Members with over eight years of active service: eligibility for disability retirement for pre-existing conditions.''.

(b) NONREGULAR SERVICE RETIREMENT.—(1) Chapter 1223 of such title is amended by inserting after section 12731a the following new section:

''§ 12731b. Special rule for members with physical disabilities not incurred in line of duty

''In the case of a member of the Selected Reserve of a reserve component who no longer meets the qualifications for membership in the Selected Reserve solely because the member is unfit because of physical disability, the Secretary concerned may, for purposes of section 12731 of this title, determine to treat the member as having met the service requirements of subsection (a)(2) of that section and provide the member with the notification required by subsection (d) of that section if the member has completed at least 15, and less than 20, years of service computed under section 12732 of this title.

''(b) Notification under subsection (a) may not be made if—

''(1) the disability was the result of the member's intentional misconduct, willful neglect, or willful failure to comply with standards and qualifications for retention established by the Secretary concerned; or

''(2) the disability was incurred during a period of unauthorized absence.''

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 12731a the following new item:

''12731b. Special rule for members with physical disabilities not incurred in line of duty.''.

(c) SEPARATION.—Section 1206(5) of such title is amended by inserting '', in the case of a disability incurred before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000,'' after ''determination, and''.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. GILMAN OF NEW YORK

(Amdt B–29 in House Report 106–175)

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. REPORT ON THE SECURITY SITUATION ON THE KOREAN PENINSULA.

(a) REPORT.—Not later than February 1, 2000, the Secretary of Defense shall submit to the appropriate congressional committees a report on the security situation on the Korean peninsula. The report shall be submitted in both classified and unclassified form.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report under subsection (a) the following:

(1) A net assessment analysis of the warfighting capabilities of the Combined Forces Command (CFC) of the United States and the Republic of Korea compared with the armed forces of North Korea.

(2) An assessment of challenges posed by the armed forces of North Korea to the defense of the Republic of Korea and to United States forces deployed to the region.

(3) An assessment of the current status and the future direction of weapons of mass destruction programs and ballistic missile programs of North Korea, including a determination as to whether or not North Korea—

(A) is continuing to pursue a nuclear weapons program;

(B) is seeking equipment and technology with which to enrich uranium; and

(C) is pursuing an offensive biological weapons program.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on International Relations and the Committee on Armed Services of the House of Representatives; and

(2) the Committee on Foreign Relations and the Committee on Armed Services of the Senate.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. THUNE OF SOUTH DAKOTA OR MR. STENHOLM OF TEXAS

(Amdt B–30 in House Report 106–175)

At the end of subtitle B of title VII (page 224, after line 24), insert the following new sections:

SEC. 713. ELECTRONIC PROCESSING OF CLAIMS UNDER THE TRICARE PROGRAM.

Section 1095c of title 10, United States Code, as added by section 711, is amended by adding at the end the following new subsection:

''(c) INCENTIVES FOR ELECTRONIC PROCESSING.—The Secretary of Defense shall require that new contracts for managed care support under the TRICARE program provide that the contractor be permitted to provide financial incentives to health care providers who file claims for payment electronically.''.

SEC. 714. STUDY OF RATES FOR PROVISION OF MEDICAL SERVICES; PROPOSAL FOR CERTAIN RATE INCREASES.

Not later than February 1, 2000, the Secretary of Defense shall submit to Congress—

(1) a study on how the maximum allowable rates charged for the 100 most commonly performed medical procedures under the Civilian Health and Medical Program of the Uniformed Services and Medicare compare with usual and customary commercial insurance rates for such procedures in each TRICARE Prime catchment area; and

(2) a proposal for increases of maximum allowable rates charged for medical procedures under the Civilian Health and Medical Program of the Uniformed Services should the study conducted under paragraph (1) find 20 or more rates which are less than or equal to the 50th percentile of the usual and customary commercial insurance rates charged for such procedures.

SEC. 715. REQUIREMENTS FOR PROVISION OF CARE IN GEOGRAPHICALLY SEPARATED UNITS.

(a) CONTRACTUAL REQUIREMENT.—The Secretary of Defense shall require that all new contracts for the provision of health care under TRICARE Prime include a requirement that the TRICARE Prime Remote network, to the maximum extent possible, provide health care concurrently to members of the Armed Forces in geographically separated units and their dependents in areas outside the catchment area of a military medical treatment facility.

(b) REPORT ON IMPLEMENTATION.—Not later than May 1, 2000, the Secretary shall submit to Congress a report on the extent and success of implementation of the requirement under subsection (a), and where concurrent implementation has not been achieved, the reasons and circumstances that prohibited implementation and a plan to provide TRICARE Prime benefits to those otherwise eligible covered beneficiaries for whom enrollment in a TRICARE Prime network is not feasible.

SEC. 716. IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.

(a) WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.—In the case of a covered beneficiary under chapter 55 of title 10, United States Code, who is a TRICARE eligible beneficiary not enrolled in TRICARE Prime, the Secretary of Defense may not require with regard to authorized health care services (other than mental health services) under any new contract for the provision of health care services under such chapter that the beneficiary—

(1) obtain a nonavailability statement or preauthorization from a military medical treatment facility in order to receive the services from a civilian provider; or

(2) obtain a nonavailability statement for care in specialized treatment facilities outside the 200-mile radius of a military medical treatment facility.

(b) NOTICE.—The Secretary may require that the covered beneficiary provide appropriate notice to the primary care manager of the beneficiary.

(c) EXCEPTIONS.—Subsection (a) shall not apply if—

(1) the Secretary can demonstrate significant cost avoidance for specific procedures at the affected military treatment facilities;

(2) the Secretary determines that a specific procedure must be maintained at the affected military treatment facility to ensure the proficiency levels of the practitioners at the facility; or

(3) the lack of nonavailability statement data would significantly interfere with TRICARE contract administration.

SEC. 717. REIMBURSEMENT OF CERTAIN COSTS INCURRED BY COVERED BENEFICIARIES WHEN REFERRED FOR CARE OUTSIDE LOCAL CATCHMENT AREA.

The Secretary of Defense shall require that any new contract for the provision of health care services under chapter 55 of title 10, United States Code, shall require that in any case in which a covered beneficiary under such chapter who is enrolled in TRICARE Prime is referred by a network provider or military treatment facility to a provider or military treatment facility more than 100 miles outside the catchment area of a military treatment facility because a local provider is not available, or in any other respect not within the terms of a new managed care support contract, the beneficiary shall be reimbursed by the network provider or military treatment facility making the referral for the cost of personal automobile mileage, to be paid under standard reimbursement rates for Federal employees, or for the cost of air travel in amounts not to exceed standard contract fares for Federal employees.

SEC. 718. IMPROVEMENT OF REFERRAL PROCESS UNDER TRICARE.

(a) ELIMINATION OF PREAUTHORIZATION REQUIREMENTS FOR CERTAIN CARE.—Under regulations prescribed by the Secretary of Defense, and in all new managed care support contracts the Secretary shall eliminate requirements in certain cases under TRICARE Prime that network primary care managers preauthorize covered beneficiaries under chapter 55 of title 10, United States Code, to receive preventative health care services within the managed care support contract network without preauthorization from a primary care manager.

(b) COVERED SERVICES.—Should such a covered beneficiary choose to receive care from a provider in the network, the covered beneficiary shall not be required to have a referral from a primary care manager—

(1) for receipt of preventative obstetric or gynecological services by a network obstetrician or gynecologist;

(2) for mammograms performed by a network provider if the beneficiary is a female over the age of 35; or

(3) for provision of preventative specialty urology care from a network urologist if the beneficiary is a male over the age of 60.

(c) NOTICE.—The Secretary may require that the covered beneficiary provide appropriate notice to the primary care manager of the beneficiary.

(d) REGULATIONS.—The Secretary shall prescribe the regulations required by subsection (a) not later than May 1, 2000 and implement the regulations not later than October 1, 2000.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. TRAFICANT OF OHIO

(Amdt B–31 in House Report 106–175)

At the end of title VIII (page 246, after line 18), insert the following new section:

SEC. 809. COMPLIANCE WITH BUY AMERICAN ACT.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized by this Act may be expended by an entity of the Department of Defense unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a et seq.).

(b) SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN–MADE EQUIPMENT AND PRODUCTS.—It is the sense of Congress that any entity of the Department of Defense, in expending funds authorized by this Act for the purchase of equipment or products, should purchase only American-made equipment and products.

(c) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF ''MADE IN AMERICA'' LABELS.—If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a ''Made in America'' inscription, or another inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. BEREUTER OF NEBRASKA

(Amdt B–32 in House Report 106–175)

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. ASIA-PACIFIC CENTER FOR SECURITY STUDIES.

(a) WAIVER OF CHARGES.—(1) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for military officers and civilian officials of foreign nations of the Asia-Pacific region if the Secretary determines that attendance by such persons without reimbursement is in the national security interest of the United States.

(2) In this section, the term ''Asia-Pacific Center'' means the Department of Defense organization within the United States Pacific Command known as the Asia-Pacific Center for Security Studies.

(b) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—(1) Subject to paragraph (2), the Secretary of Defense may accept, on behalf of the Asia-Pacific Center, foreign gifts or donations in order to defray the costs of, or enhance the operation of, the Asia-Pacific Center.

(2) The Secretary may not accept a gift or donation under paragraph (1) if the acceptance of the gift or donation would compromise or appear to compromise—

(A) the ability of the Department of Defense, any employee of the Department, or members of the Armed Forces to carry out any responsibility or duty of the Department in a fair and objective manner; or

(B) the integrity of any program of the Department of Defense or of any person involved in such a program.

(3) The Secretary shall prescribe written guidance setting forth the criteria to be used in determining whether the acceptance of a foreign gift or donation would have a result described in paragraph (2).

(4) Funds accepted by the Secretary under paragraph (1) shall be credited to appropriations available to the Department of Defense for the Asia-Pacific Center. Funds so credited shall be merged with the appropriations to which credited and shall be available to the Asia-Pacific Center for the same purposes and same period as the appropriations with which merged.

(5) If the total amount of funds accepted under paragraph (1) in any fiscal year exceeds $2,000,000, the Secretary shall notify Congress of the amount of those donations for that fiscal year. Any such notice shall list each of the contributors of such amounts and the amount of each contribution in that fiscal year.

(6) For purposes of this subsection, a foreign gift or donation is a gift or donation of

funds, materials (including research materials), property, or services (including lecture services and faculty services) from a foreign government, a foundation or other charitable organization in a foreign country, or an individual in a foreign country.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. BEREUTER OF NEBRASKA

(Amdt B–33 in House Report 106–175)

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. REPORT ON EFFECT OF CONTINUED BALKAN OPERATIONS ON ABILITY OF UNITED STATES TO SUCCESSFULLY MEET OTHER REGIONAL CONTINGENCIES.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report describing the effect of continued operations by the Armed Forces in the Balkans region on the ability of the United States, through the period covered by the current Future-Years Defense Plan of the Department of Defense, to prosecute to a successful conclusion a major contingency in the Asia-Pacific region or to prosecute to a successful conclusion two nearly simultaneous major theater wars, in accordance with the most recent Quadrennial Defense Review.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall set forth the following:

(1) In light of continued Balkan operations, the capabilities and limitations of United States combat, combat support, and combat service support forces (at national, operational, and tactical levels and operating in a joint and coalition environment) to expeditiously respond to, prosecute, and achieve United States strategic objectives in the event of—

(A) a contingency on the Korean peninsula; or

(B) two nearly simultaneous major theater wars.

(2) The confidence level of the Secretary of Defense in United States military capabilities to successfully prosecute a Pacific contingency, and to successfully prosecute two nearly simultaneous major theater wars, while remaining engaged at current or greater force levels in the Balkans, together with the rationale and justification for each such confidence level.

(3) Identification of high-value platforms, systems, capabilities, and skills that—

(A) during a Pacific contingency, would be stressed or broken and at what point such stressing or breaking would occur; and

(B) during two nearly simultaneous major theater wars, would be stressed or broken and at what point such stressing or breaking would occur.

(4) During continued military operations in the Balkans, the effect on the ''operations tempo'', and on the ''personnel tempo'', of the Armed Forces—

(A) of a Pacific contingency; and

(B) of two nearly simultaneous major theater wars.

(5) During continued military operations in the Balkans, the required type and quantity of high-value platforms, systems, capabilities, and skills to prosecute successfully—

(A) a Pacific contingency; and

(B) two nearly simultaneous major theater wars.

(c) CONSULTATION.—In preparing the report under this section, the Secretary of Defense shall use the resources and expertise of the unified commands, the military departments, the combat support agencies, and the defense components of the intelligence community and shall consult with non-Department elements of the intelligence community, as required, and other such entities within the Department of Defense as the Secretary considers necessary.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. CASTLE OF DELAWARE, MR. BISHOP OF GEORGIA, OR MR. ROEMER OF INDIANA

(Amdt B–34 in House Report 106–175)

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. REPORT ON SPACE LAUNCH FAILURES.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to the President and the specified congressional committees a report on the factors involved in the three recent failures of the Titan IV space launch vehicle and the systemic and management reforms that the Secretary is implementing to minimize future failures of that vehicle and future launch systems. The report shall be submitted not later than February 15, 2000. The Secretary shall include in the report all information from the reviews of those failures conducted by the Secretary of the Air Force and launch contractors.

(b) MATTERS TO BE INCLUDED.—The report shall include the following information:

(1) An explanation for the failure of a Titan IVA launch vehicle on August 12, 1998, the failure of a Titan IVB launch vehicle on April 9, 1999, and the failure of a Titan IVB launch vehicle on April 30, 1999, as well as any information from civilian launches which may provide information on systemic problems in current Department of Defense launch systems, including, in addition to a detailed technical explanation and summary of financial costs for each such failure, a one-page summary for each such failure indicating any commonality between that failure and other military or civilian launch failures.

(2) A review of management and engineering responsibility for the Titan, Inertial Upper Stage, and Centaur systems, with an explanation of the respective roles of the Government and the private sector in ensuring mission success and identification of the responsible party (Government or private sector) for each major stage in production and launch of the vehicles.

(3) A list of all contractors and subcontractors for each of the Titan, Inertial Upper Stage, and Centaur systems and their responsibilities and five-year records for meeting program requirements.

(4) A comparison of the practices of the Department of Defense, the National Aeronautics and Space Administration, and the commercial launch industry regarding the management and oversight of the procurement and launch of expendable launch vehicles.

(5) An assessment of whether consolidation in the aerospace industry has affected mission success, including whether cost-saving efforts are having an effect on quality and whether experienced workers are being replaced by less experienced workers for cost-saving purposes.

(6) Recommendations on how Government contracts with launch service companies could be improved to protect the taxpayer, together with the Secretary's assessment of whether the withholding of award and incentive fees is a sufficient incentive to hold contractors to the highest possible quality standards and the Secretary's overall evaluation of the award fee system.

(7) A short summary of what went wrong technically and managerially in each launch failure and what specific steps are being taken by the Department of Defense and space launch contractors to ensure that those errors do not reoccur.

(8) An assessment of the role of the Department of Defense in the management and technical oversight of the launches that failed and whether the Department of Defense, in that role, contributed to the failures.

(9) An assessment of the effect of the launch failures on the schedule for Titan launches, on the schedule for development and first launch of the Evolved Expendable Launch Vehicle, and on the ability of industry to meet Department of Defense requirements.

(10) An assessment of the impact of the launch failures on assured access to space by the United States, and a consideration of means by which access to space by the United States can be better assured.

(11) An assessment of any systemic problems that may exist at the eastern launch range, whether these problems contributed to the launch failures, and what means would be most effective in addressing these problems.

(12) An assessment of the potential benefits and detriments of launch insurance and the impact of such insurance on the estimated net cost of space launches.

(13) A review of the responsibilities of the Department of Defense and industry representatives in the launch process, an examination of the incentives of the Department and industry representatives throughout the launch process, and an assessment of whether the incentives are appropriate to maximize the probability that launches will be timely and successful.

(14) Any other observations and recommendations that the Secretary considers relevant.

(c) INTERIM REPORT.—Not later than December 15, 1999, the Secretary shall submit to the specified congressional committees an interim report on the progress in the preparation of the report required by this section, including progress with respect to each of the matters required to be included in the report under subsection (b).

(d) SPECIFIED CONGRESSIONAL COMMITTEES.—For purposes of this section, the term ''specified congressional committees'' means the following:

(1) The Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate.

(2) The Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MRS. FOWLER OF FLORIDA

(Amdt B–35 in House Report 106–175)

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. REPORT ON AIRLIFT REQUIREMENTS TO SUPPORT NATIONAL MILITARY STRATEGY.

(a) REPORT REQUIRED.—Not later than June 1, 2000, the Secretary of Defense shall submit to Congress a report, in both classified and unclassified form, describing the airlift requirements necessary to execute the full range of missions called for under the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff under the postures of force engagement anticipated through 2015.

(b) CONTENT OF REPORT.—The report shall address the following:

(1) The identity, size, structure, and capabilities of the airlift requirements necessary for the full range of shaping, preparing, and responding missions demanded under the National Military Strategy.

(2) The required support and infrastructure required to successfully execute the full range of missions required under the National Military Strategy, on the deployment schedules outlined in the plans of the relevant commanders-in-chief from expected and increasingly dispersed postures of engagement.

(3) The anticipated effect of enemy use of weapons of mass destruction, other asymmetrical attacks, expected rates of peacekeeping and other contingency missions, and other similar factors on the mobility force and its required infrastructure and on mobility requirements.

(4) The effect on mobility requirements of new service force structures, such as the Air Force's Air Expeditionary Force and the Army's Strike Force, and any foreseeable force structure modifications through 2015.

(5) The need to deploy forces strategically and employ them tactically using the same airlift platform.

(6) The need for an increased airlift platform capable of deploying outsize equipment or large volumes of supplies and equipment.

(7) The anticipated role of host nation, foreign, and coalition airlift support and requirements through 2015.

(8) Alternatives to the current mobility program or required modifications to the 1998 Air Mobility Master Plan update.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. GILCHREST OF MARYLAND

(Amdt B–36 in House Report 106–175)

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. OPERATIONS OF NAVAL ACADEMY DAIRY FARM.

Section 6976 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after paragraph (b) the following new subsection:

''(c) LEASE PROCEEDS.—All money received from a lease entered into under subsection (b) shall be retained by the Superintendent of the Naval Academy and shall be available to cover expenses related to the property described in subsection (a), including reimbursing nonappropriated fund instrumentalities of the Naval Academy.''.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. GOODLING OF PENNSYLVANIA OR MR. TRAFICANT OF OHIO

(Amdt B–37 in House Report 106–175)

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. INSPECTOR GENERAL INVESTIGATION OF COMPLIANCE WITH BUY AMERICAN ACT IN PURCHASES OF FREE WEIGHT STRENGTH TRAINING EQUIPMENT.

(a) INVESTIGATION REQUIRED.—The Inspector General of the Department of Defense shall conduct an investigation to determine whether the purchases described in subsection (b) are being made in compliance with the Buy American Act (41 U.S.C. 10a et seq.).

(b) PURCHASES COVERED.—The investigation shall cover purchases made during the three-year period ending on the date of the enactment of this Act of free weights for use in strength training by members of the Armed Forces stationed at defense installations located in the United States (including its territories and possessions).

(c) REPORT.—The Inspector General shall prepare a report for the Secretary of Defense on the investigation. Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress such report, together with such additional comments and recommendations as the Secretary considers appropriate.

(d) DEFINITION.—For purposes of this section, the term ''free weights'' means dumbbells or solid metallic disks balanced on crossbars, designed to be lifted for strength training or athletic competition.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. SKELTON OF MISSOURI

(Amdt B–38 in House Report 106–175)

The amendment as modified is as follows:

At the end of title X (page 305, after line 5), insert the following new section:

SEC. 1040. PERFORMANCE OF THREAT AND RISK ASSESSMENTS.

Section 1404 of the Defense Against Weapons of Mass Destruction Act of 1999 (title XIV of Public Law 105–261; 50 U.S.C. 2301 note) is amended to read as follows:

''SEC. 1404. THREAT AND RISK ASSESSMENTS.

''(a) THREAT AND RISK ASSESSMENTS.—(1) Assistance to Federal, State, and local agencies provided under the program under section 1402 shall include the performance of assessments of the threat and risk of terrorist employment of weapons of mass destruction against cities and other local areas. Such assessments shall be used by Federal, State, and local agencies to determine the training and equipment requirements under this program and shall be performed as a collaborative effort with State and local agencies.

''(2) The Department of Justice, as lead Federal agency for crisis management in response to terrorism involving weapons of mass destruction, shall conduct any threat and risk assessment performed under paragraph (1) in coordination with appropriate Federal, State, and local agencies, and shall develop procedures and guidance for conduct of the threat and risk assessment in consultation with officials from the intelligence community.

''(b) PILOT TEST.—(1) Before prescribing final procedures and guidance for the performance of threat and risk assessments under this section, the Attorney General shall conduct a pilot test of any proposed method or model by which such assessments are to be performed. The Attorney General shall conduct the pilot test in coordination with appropriate Federal, State, and local agencies.

''(2) The pilot test shall be performed in cities or local areas selected by the Attorney General in consultation with appropriate Federal, State, and local agencies.

''(3) The pilot test shall be completed not later than one month after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000.''.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. HOBSON OF OHIO OR MR. HALL OF OHIO

(Amdt B–39 in House Report 106–175)

At the end of title XI (page 307, after line 13), insert the following new section:

SEC 1104. TEMPORARY AUTHORITY TO PROVIDE EARLY RETIREMENT AND SEPARATION INCENTIVES FOR CERTAIN CIVILIAN EMPLOYEES.

(a) EARLY RETIREMENT INCENTIVE.—(1) An employee of the Department of Defense is entitled to an annuity under chapter 83 or 84 of title 5, United States Code, as applicable, if the employee—

(A) has been employed continuously by the Department of Defense for more than 30 days before the date that the Secretary of Defense made the determination under subparagraph (D);

(B) is serving under an appointment that is not time-limited;

(C) is not in receipt of a decision notice of involuntary separation for misconduct or unacceptable performance;

(D) is separated voluntarily;

(E) has completed 25 years of service or is at least 50 years of age and has completed 20 years of service; and

(F) retires under this subsection before October 1, 2000.

(2) As used in this subsection, the terms ''employee'' and ''annuity'' shall have the same meaning as the meaning of those terms as used in chapters 83 and 84 of title 5, United States Code, as applicable.

(b) VOLUNTARY SEPARATION INCENTIVE.—(1) The Secretary of Defense may, to restructure the workforce to meet mission needs, correct skill imbalances, or reduce high-grade, managerial, or supervisory positions, offer separation pay to an employee under this subsection subject to such limitations or conditions as the Secretary may require. Such separation pay—

(A) shall be paid, at the option of the employee, in a lump sum or equal installment payments;

(B) shall be equal to the lesser of—

(i) an amount equal to the amount the employee would be entitled to receive under section 5595(c) of title 5, United States Code, if the employee were entitled to payment under such section; or

(ii) $25,000;

(C) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit;

(D) shall not be taken into account for purposes of determining the amount of any severance pay to which an individual may be entitled under section 5595 of title 5, United States Code, based on any other separation; and

(E) shall terminate, upon reemployment in the Federal Government, during receipt of installment payments.

(2) For purposes of this subsection, the term ''employee'' means an employee serving under an appointment without time limitation, who has been currently employed for a continuous period of at least 12 months, except that such term does not include—

(A) a reemployed annuitant under subchapter III of chapter 83, chapter 84, or another retirement system for employees of the Government; or

(B) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under any of the retirement systems referred to in subparagraph (A).

(c) ADDITIONAL CONTRIBUTIONS TO RETIREMENT FUND.—(1) In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, the Department of Defense shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 26 percent of the final basic pay of each employee of the Department of Defense who is covered under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, to whom a voluntary separation incentive has been paid under this section.

(2) For purposes of this subsection, the term ''final basic pay'', with respect to an employee, means the total amount of basic pay which would be payable for a year of service by such employee, computed using the employee's final rate of basic pay, with appropriate adjustments if the employee last served on other than a full-time basis.

(d) APPLICABILITY.—The provisions in this section shall only apply with respect to a civilian employee of the Department of Defense who—

(1) is employed at the military base designated by the Secretary of Defense under subsection (e), or who is identified by the Secretary as part of a competitive area of the civilian personnel service population of such military base, during the period beginning on October 1, 1999, and ending on October 1, 2000;

(2) is one of 300 employees designated by the Secretary of the military department with jurisdiction over the designated base; and

(3) elects to receive an annuity or separation incentive pursuant to such provisions during such period.

(e) DESIGNATION OF MILITARY BASE.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall designate a military base to which the provisions of this section shall apply. The base designated by the Secretary shall—

(1) be a base that is undergoing a major workforce restructuring to meet mission needs, correct skill imbalances, or reduce high-grade, managerial, supervisory, or similar positions; and

(2) employ the largest number of scientists and engineers of any other base of the military department that has jurisdiction over the base.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. ORTIZ OF TEXAS

(Amdt B–40 in House Report 106–175)

At the end of title XI (page 307, after line 13), insert the following new section:

SEC. 1104. EXTENSION OF AUTHORITY TO CONTINUE HEALTH INSURANCE COVERAGE FOR CERTAIN DEPARTMENT OF DEFENSE EMPLOYEES.

(a) EXTENSION OF AUTHORITY.—Clauses (i) and (ii) of section 8905a(d)(4)(B) of title 5, United States Code, are amended to read as follows:

''(i) October 1, 2003; or

''(ii) February 1, 2004, if specific notice of such separation was given to such individual before October 1, 2003.''.

(b) OFFSET.—Of the amount authorized to be appropriated in section 301(5) for Defense-wide activities—

(1) $9,100,000 shall be available to continue health insurance coverage pursuant to the authority provided in section 8905a(d)(4)(B) of title 5, United States Code (as amended by subsection (a)); and

(2) the amount available for the Defense Contract Audit Agency shall be reduced by $9,100,000.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. NEY OF OHIO

(Amdt B–41 in House Report 106–175)

At the end of title XII (page 317, after line 17), insert the following new section:

SEC. 1206. ANNUAL REPORT ON MILITARY POWER OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) ANNUAL REPORT.—The Secretary of Defense shall prepare an annual report, in both classified and unclassified form, on the current and future military strategy and capabilities of the People's Republic of China. The report shall address the current and probable future course of military-technological development in the People's Liberation Army and the tenets and probable development of Chinese grand strategy, security strategy, and military strategy, and of military organizations and operational concepts, through 2020.

(b) MATTERS TO BE INCLUDED.—The report shall include analyses and forecasts of the following:

(1) The goals of Chinese grand strategy, security strategy, and military strategy.

(2) Trends in Chinese political grand strategy meant to establish the People's Republic of China as the leading political power in the Asia-Pacific region and as a political and military presence in other regions of the world.

(3) The size, location, and capabilities of Chinese strategic, land, sea, and air forces.

(4) Developments in Chinese military doctrine, focusing on (but not limited to) efforts to exploit a transformation in military affairs or to conduct preemptive strikes.

(5) Efforts, including technology transfers and espionage, by the People's Republic of China to develop, acquire, or gain access to information, communication, space, and other advanced technologies that would enhance military capabilities.

(c) SUBMISSION OF REPORT.—The report under this section shall be submitted to Congress not later than March 15 each year.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. BOEHLERT OF NEW YORK

(Amdt B–42 in House Report 106–175)

The amendment as modified is as follows:

In the table in section 2301(a) (page 339, after line 18), insert an item relating to the Rome Research Site, New York, in the amount of $3,002,000, and strike the amount identified as the total in the amount column and insert ''$635,272,000''.

Page 343, line 3, strike ''$602,270,000'' and insert ''$605,272,000''.

Page 344, line 6, strike ''$6,600,000'' and insert ''$9,602,000''.

At the end of title XXIII (page 344, after line 10), insert the following new section:

SEC. 2305. PLAN FOR COMPLETION OF PROJECT TO CONSOLIDATE AIR FORCE RESEARCH LABORATORY, ROME RESEARCH SITE, NEW YORK.

(a) PLAN REQUIRED.—Not later than January 1, 2000, the Secretary of the Air Force shall submit to Congress a plan for the completion of multi-phase efforts to consolidate research and technology development activities conducted at the Air Force Research Laboratory located at the Rome Research Site at former Griffiss Air Force Base in Rome, New York. The plan shall include details on how the Air Force will complete the multi-phase construction and renovation of the consolidated building 2/3 complex at the Rome Research Site, by January 1, 2005, including the cost of the project and options for financing it.

(b) RELATION TO STATE CONTRIBUTIONS.—Nothing in this section shall be construed to limit or expand the authority of the Secretary of a military department to accept funds from a State for the purpose of consolidating military functions within a military installation.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. OSE OF CALIFORNIA

(Amdt B–43 in House Report 106–175)

At the end of part III of subtitle D of title XXVIII (page 399, after line 7), insert the following new section:

SEC. 2865. LAND CONVEYANCE, MCCLELLAN NUCLEAR RADIATION CENTER, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—Consistent with applicable laws, including section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620), the Secretary of the Air Force may convey, without consideration, to the Regents of the University of California, acting on behalf of the University of California, Davis (in this section referred to as the ''Regents''), all right, title, and interest of the United States in and to the parcel of real property, including improvements thereon, consisting of the McClellan Nuclear Radiation Center, California.

(b) INSPECTION OF PROPERTY.—The Secretary shall, at an appropriate time before the conveyance authorized by subsection (a), permit the Regents access to the property to be conveyed for purposes of such investigation of the McClellan Nuclear Radiation Center and the atomic reactor located at the Center as the Regents consider appropriate.

(c) HOLD HARMLESS.—(1)(A) The Secretary may not make the conveyance authorized by subsection (a) unless the Regents agree to indemnify and hold harmless the United States for and against the following:

(i) Any and all costs associated with the decontamination and decommissioning of the atomic reactor at the McClellan Nuclear Radiation Center under requirements that are imposed by the Nuclear Regulatory Commission or any other appropriate Federal or State regulatory agency.

(ii) Any and all injury, damage, or other liability arising from the operation of the atomic reactor after its conveyance under this section.

(B) The Secretary may pay the Regents an amount not exceed $17,593,000 as consideration for the agreement under subparagraph (A). Notwithstanding subsection (b) of section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), the Secretary may use amounts appropriated pursuant to the authorization of appropriation in section 2405(a)(7) to make the payment under this subparagraph.

(2) Notwithstanding the agreement under paragraph (1), the Secretary may, as part of the conveyance authorized by subsection (a), enter into an agreement with the Regents under which agreement the United States shall indemnify and hold harmless the University of California for and against any injury, damage, or other liability in connection with the operation of the atomic reactor at the McClellan Nuclear Radiation Center after its conveyance under this section that arises from a defect in the atomic reactor that could not have been discovered in the course of the inspection carried out under subsection (b).

(d) CONTINUING OPERATION OF REACTOR.—Until such time as the property authorized to be conveyed by subsection (a) is conveyed by deed, the Secretary shall take appropriate actions, including the allocation of personnel, funds, and other resources, to ensure the continuing operation of the atomic reactor located at the McClellan Nuclear Radiation Center in accordance with applicable requirements of the Nuclear Regulatory Commission and otherwise in accordance with law.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MR. SCARBOROUGH OF FLORIDA

(Amdt B–44 in House Report 106–175)

At the end of section 3162 (page 445, after line 17), insert the following:

(d) ADDITIONAL AGENCY CONTRIBUTIONS TO THE RETIREMENT FUND.—For purposes of this section, the requirement of an agency remittance of an amount equal to 15 percent in paragraph (1) of section 663(d) of the Treasury, Postal Service, and General Government Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–383; 5 U.S.C. 5597 note) shall be deemed to be a requirement of an agency remittance of an amount equal to 26 percent.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. MCINTYRE OF NORTH CAROLINA

(Amdt B–45 in House Report 106–175)

The amendment as modified is as follows:

At the end of title XXXI (page 453, after line 15), insert the following new section:

SEC. 3167. TECHNOLOGY TRANSFER COORDINATION FOR DEPARTMENT OF ENERGY NATIONAL LABORATORIES.

(a) TECHNOLOGY TRANSFER COORDINATION.—Within 90 days after the date of the enactment of this Act, the Secretary of Energy shall ensure, for each national laboratory, the following:

(1) Consistency of technology transfer policies and procedures with respect to patenting, licensing, and commercialization.

(2) That the contractor operating the national laboratory make available to aggrieved private sector entities a range of expedited alternate dispute resolution procedures (including both binding and nonbinding procedures) to resolve disputes that arise over patents, licenses, and commercialization activities, with costs and damages to be provided by the contractor to the extent that any such resolution attributes fault to the contractor.

(3) That the expedited procedure used for a particular dispute shall be chosen—

(A) collaboratively by the Secretary and by appropriate representatives of the contractor operating the national laboratory and of the private sector entity; and

(B) if an expedited procedure cannot be chosen collaboratively under subparagraph (A), by the Secretary.

(4) That the contractor operating the national laboratory submit an annual report to the Secretary, as part of the annual performance evaluation of the contractor, on technology transfer and intellectual property successes, current technology transfer and intellectual property disputes involving the laboratory, and progress toward resolving those disputes.

(5) Training to ensure that laboratory personnel responsible for patenting, licensing, and commercialization activities are knowledgeable of the appropriate legal, procedural, and ethical standards.

(b) DEFINITION OF NATIONAL LABORATORY.—As used in this section, the term ''national laboratory'' means any of the following laboratories:

(1) The Los Alamos National Laboratory, Los Alamos, New Mexico.

(2) The Lawrence Livermore National Laboratory, Livermore, California.

(3) The Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

AMENDMENT TO H.R. 1401, AS REPORTED OFFERED BY MRS. WILSON OF NEW MEXICO

(Amdt B–46 in House Report 106–175)

Page 452, line 22, strike ''subsection (c)'' and all that follows through ''indicates'' on line 24 and insert ''subsection (c), notwithstanding Rule 6(e) of the Federal Rules of Criminal Procedure, that the Secretary has received information indicating''.

Page 453, strike lines 7 through line 10 and insert the following:

(c) SPECIFIED COMMITTEES.—The committees referred to in subsection (a) are the following:

(1) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

The CHAIRMAN. The Clerk will report the modifications.

The Clerk proceeded to read the modifications.

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

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

There was no objection.

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 10 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. BEREUTER).

Mr. BEREUTER. Mr. Chairman, I thank the gentleman from South Carolina for yielding to me.

Mr. Chairman, I rise in strong support of the en bloc amendments, and I want to speak specifically to amendment No. 32 briefly.

The purpose of this amendment is to permanently authorize that the Asia Pacific Center for Security studies the waiver authority for some attendance costs that were granted to it in the fiscal year 1999 Defense Authorization Act and to enact new, permanent legislation for the Center that expands its ability to fund its crucial work in the region.

Specifically, the provisions in this amendment will permit the Asia Pacific Center, a component of Pacific Command, to accomplish two important objectives:

First, the provisions will permit the Center to waive reimbursement for certain costs of conferences, seminars, and courses of instruction for participants of foreign countries when the Secretary of Defense determines that such participation is in the national security interests.

This Member strongly concurs with both Admiral Prueher, the previous Commander-in-Chief, Pacific Command, and Admiral Blair, who recently assumed this position, that this waiver of charges is critical to the Center's ability to attract participants from developing and developed countries in the region. The Center complements the Command's strategy of maintaining positive security relationships with all nations in the region. It enhances cooperation and builds relationships through mutual understanding and study of the range of security issues among military and civilian representatives of the U.S. and other Asia-Pacific nations.

Second, the provisions will permit the acceptance of foreign gifts and donations. No such authority currently exists for the Center, and such is key to providing an alternate source of income to defray costs or to enhance operations. It will permit the acceptance of donations in the form of funds, materials, property, or services from foreign sources, within ethical guidelines to be developed by the Secretary of Defense.

Amending H.R. 1401 to permanently authorize the waiver of reimbursement and the acceptance of foreign gifts and donations will mirror legislative authority previously granted to the George C. Marshall European Center for Security Studies. In addition, significantly, enactment of these provisions will impose no increase in DoD budgetary requirements.

Secondly, for amendment No. 33, the purpose of this amendment is to direct the Secretary of Defense to evaluate and report to Congress the U.S. armed forces' ability to successfully prosecute a conflict on the Korean Peninsula or a 2-major-theater-war strategy over the next 5 years while simultaneously engaged in continued operations in the Balkans.

Anyone who has been watching our combat strength erode over the last decade or the juggling of equipment and forces to meet Kosovo requirements will understand why this is a vitally important national security issue.

U.S. military operations in the Balkans, in this Member's view, will include Kosovo for the foreseeable future. U.S. efforts there clearly are stretching the already ample divide between our global security obligations and military capabilities. The argument that we have heard for years—that with the Cold War over, we can spend less on our Armed Forces—would be true only if we expected less of our military. However, this has not been the case—indeed, our forces have been asked to do more and more with less and less.

According to the Congressional Research Service, President Reagan used the military abroad 17 times; President Bush, 14 times, including the Persian Gulf conflict. President Clinton, however, has called on the military over 45 times, including the ongoing Kosovo operations. Such extensive use is unprecedented; moreover, it has been presided over by an Administration that not only has trimmed the fat in our Armed Forces—to its credit—but has, in the view of many senior military officials with whom this Member agrees, cut considerably into its ''muscle'' as well. The dramatic increase in ''operations tempo'' has taken a significant toll on an already substantially downsized, underfunded, and inadequately equipped force. Moreover, the results

of the Quadrennial Defense Review, recently concluded by the DoD, projects an increasing number of military commitments into the next century.

This is a dangerous situation, in this Member's opinion, and calls into serious question U.S. capabilities to successfully prosecute one or more major contingencies over at least the next several years—major contingencies, such as on the Korean Peninsula or in Southwest Asia, that are in this nation's vital interests.

We in Congress first must be fully informed as to our Armed Force's capabilities and limitations. Then, we must be willing to address the challenges they face if we expect them to continue to meet our global challenges. This amendment, requiring the Secretary of Defense to report on the U.S. Armed Forces capability to respond to other regional contingencies while remaining engaged in the Balkans, will provide the baseline analysis we need to "right-size" and "right-equip" our forces in the future.

Mr. SISISKY. Mr. Chairman, I rise to claim the time in opposition to the amendment.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I rise today in support of the en bloc amendment to H.R. 1401. This amendment includes an amendment which I propose along with the gentleman from South Dakota (Mr. THUNE). Our amendment makes needed improvements to TriCare, the military managed health care program.

Our amendment complements the excellent work done by the Committee on Armed Services to better military health care. The Thune-Stenholm amendment will improve the claims processing system, reduce paperwork and financial burdens to TriCare beneficiaries, and improve coverage for active duty members of the armed services. Our amendment has the support of the Military Coalition and the National Military and Veterans Alliance.

As we increase military pay and benefits, it is important that we also continue in our efforts to provide the highest quality medical care for military members and their families, retirees and their families, and survivors.

I urge the support for the Thune-Stenholm amendment as included in the en bloc amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON).

Mr. WELDON of Pennsylvania. Mr. Chairman, I have a great announcement to follow up the distinguished gentleman from Texas (Mr. STENHOLM), who announced this earlier.

For all those naysayers, today the THAAD program had a very successful intercept. We hit a bullet with a bullet. Not only did we hit the target, we hit it right in the spot where that target would be eliminated so that the trajectory of the missile would not continue on into where our troops would be held.

So for all of those people who stood on the House floor and said missile defense does not work, the technology is not there, it is a failure, guess what, Mr. Chairman, today we hit a bullet with a bullet. We solved the problem that people said we could not solve.

I just want to thank my colleagues on both sides of the aisle who had the good common sense to understand that American technology can do anything, and we are never going to have a case where those 28 brave young Americans, half of whom were from my State, came back to their homeland in a body bag because we could not defend a missile attack against them.

Mr. SISISKY. Mr. Chairman, I congratulate the gentleman from Pennsylvania (Mr. WELDON).

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. EVANS).

Mr. EVANS. Mr. Chairman, I urge my colleagues to support the en bloc amendment. It contains my amendment to waive the statutory time limit and authorize the President to present the Congressional Medal of Honor to Alfred Rascon for his brave and heroic actions during the Vietnam War. He truly embodies the spirit and sacrifices made by those gallant individuals who have earned our Nation's highest military honor.

In 1966, he was a paramedic and risked his life many times to save the lives of his colleagues. When his unit came under intense enemy attack, Mr. Rascon on three separate occasions ran through enemy fire to jump on soldiers to protect them from exploding grenades or incoming rifle and machine gun fire.

On one occasion, he suffered grenade shrapnel and wounds while protecting another solder he was caring for. On two other occasions, he dove on soldiers to shield them from several incoming exploding grenades, observing the full blast himself each time.

Regardless of these wounds and an additional wound to his face from an exploding grenade, he retrieved the point squad's abandoned machine gun and its ammunition while drawing heavy fire.

Mr. Chairman, I urge my colleagues to support the en bloc amendment.

Mr. Chairman, I urge my colleagues to support the Chairman's En Bloc amendment. The En Bloc package contains my amendment to waive the statutory time limit and authorize the President to present the Congressional Medal of Honor to Alfred Rascon for his heroic and brave actions during the Vietnam War. His case embodies the spirit and sacrifice made by those gallant individuals who have earned our nation's highest military honor.

On 16 March 1966, Sp4 Alfred Rascon, distinguished himself by a series of extraordinarily courageous acts while assigned as a medic to the Reconnaissance Platoon, Headquarters Company, 1st Battalion (Airborne), 503d Infantry, 173d Airborne Brigade. While moving to reinforce a sister unit under intense enemy attack, the Reconnaissance Platoon came under heavy fire from a numerically superior enemy force.

The intense fire severely wounded several soldiers and repulsed repeated attempts by fellow soldiers to rescue their fallen comrades. Ignoring this and directions to stay behind shelter, Mr. Rascon repeatedly tried to crawl forward to assist the wounded soldiers but was driven back each time by the withering enemy fire. Despite the risks to his own safety and realizing that the point machine-gunner was severely wounded and still under direct enemy fire, he dashed through gunfire and exploding grenades to reach his comrade. To protect him from wounds, Mr. Rascon intentionally placed his body between the soldier and the enemy machine guns and in doing so sustained numerous shrapnel injuries and a serious hip wound from an enemy bullet. Despite his wounds, he dragged him from the fire-raked trail and then crawled back through the area of heaviest fire with ammunition for a machine gunner, allowing the soldier to resume life protecting covering fire for the beleaguered squad. As Mr. Rascon crawled through the murderous fire to retrieve an abandoned machine gun and ammunition, a grenade exploded directly in front of him, severely wounding him in the face and torso.

Although weakened by loss of blood and his painful wounds, he recovered the machine gun and ammunition for another soldier who was then able to provide badly needed suppressive fire for the pinned-downed unit. As Mr. Rascon went forward to aid a badly wounded grenadier, he saw grenades fall near the stricken soldier. With complete disregard for his own life, he dove on the wounded man and covered him with his body, absorbing the full force of the grenade explosion but saving the soldier's life. Although he sustained additional fragmentation wounds to his face, back and legs, Mr. Rascon continued to treat the wounded. Seeing grenades land near the wounded point squad leader, and without regard for the consequences, he again rose to his feet and dove on the wounded man, again absorbing the blast of the grenades with his own body and suffering additional multiple fragmentation wounds. After treating the wounded sergeant, Mr. Rascon remained on the battlefield, providing medical aid to the wounded and inspiring his fellow soldiers to continue the battle.

After the enemy broke contact, he treated and directed the evacuation of the wounded, and only then allowed himself to be treated. While making his way to the evacuation zone, Mr. Rascon collapsed from the result of his wounds and blood loss, and was carried from the battlefield.

Because of the selflessness and bravery he demonstrated that day, Mr. Rascon's unit members submitted a recommendation for him to receive the Medal of Honor. Unfortunately, the written recommendation never made it up the chain of command. While we can't erase the mistake that deprived him of this award over thirty years ago, we can today finally do justice to Mr. Rascon.

There are many people to thank for their work to recognize Alfred Rascon's extraordinary heroism. Gil Coronado, Director of the

Selective Service System, brought this case to my attention over six years ago and has been a consistent champion of this cause. Ken Smith, Colonel, US Army (Ret.), President of the Society of the 173rd Airborne Brigade, has been a steadfast supporter and brought his years of military experience as well as his dogged determination to the table. He and the Society were critical to the success of this effort. Gordon Sumner, COL, USA Ret., the Chairman of the DC Chapter of the 82nd Airborne Division, also assisted at critical times and deserves credit.

Kelli R. Willard West, former legislative director of the Vietnam Veterans of America, helped bring the voice of Vietnam Veterans to this endeavor. Her hard work and steadfast support made an impact on this effort. John Fales, known as Sgt. Shaft to Washington Times readers, let the public know of Mr. Rascon's bravery and the efforts to properly honor him.

Chairman BUYER and Ranking Member NEIL ABERCROMBIE should be commended for their assistance on bringing this amendment to the floor. I would also like to thank the staff of the Military Personnel Subcommittee, in particular Mike Higgins, for their efforts over the many years of work it took to bring this case to its logical conclusion.

I also thank my colleagues who signed the numerous letters and joined in my efforts to honor Mr. Rascon. Specifically, Representatives ROSCOE BARTLETT and LUIS GUTIERREZ should be noted for their support as well as Members of Congress who served in the 173rd, including Representatives DUNCAN HUNTER, MIKE THOMPSON and CHARLIE NORWOOD. My colleagues on the Senate side, Senators SPENCER ABRAHAM and STROM THURMOND must also be commended. Their efforts led to this amendment being included in the Senate's version of the FY2000 DOD Authorization Act. Stuart Anderson of Senator ABRAHAM's staff should be particularly thanked for his efforts.

Above all, members of Mr. Rascon's unit, the 1–503d Reconnaissance Platoon, must be recognized. Without their dogged efforts and those of Jacob R. Cook, SFC, USA Ret., Willie Williams, SFC, USA Ret., James K. Akuna (Deceased), SFC, USA Ret., Forrest Powers, SFC, USA Ret., Elmer R. Compton, SGT, SP4 John Kirk, Neil Haffey, PFC and Larry Gibson, PFC (MSG, USANG) this oversight never would have been brought to the attention of Congress and the public. Other members up and down the chain of command of the 173rd should be thanked as well, including Paul F. Smith, MG, USA Ret., John Tyler, COL, USA Ret., Bill Vose, CPT, USA Ret., Frank Vavrin, LTC, (Chaplain), USA Ret., Tom Marrinan, SFC, USA Ret., Jess Castanon, SGT (Deceased), Bob Berruti, SGT, Bob McCarthy, SGT, Ray Penzon, SGT, and Dan Ojeda. A special thanks should go to Roy Lombardo, LTC, USA Ret., who initially resubmitted the MOH packet to the Department of Defense. Mr. Lombardo, a Captain in the 173rd's 2nd Battalion during 1966, took this action when he was made aware, by Mr. Rascon's platoon members during the 173d's 1990 25th reunion, that the nomination never went forward.

Other individuals and organizations who deserve credit and thanks include: Bishop Joseph Madera, Brig. Gen. Michael F. Aguilar, USMC, Suzanna Valdez, the National Council of La Raze, Daniel B. Gibson, Bill Dunker, the Heroes and Heritage Foundation, Raul Yzaguirre, Ken Steadman, Richard Boylan, the Veterans of Foreign Wars and Robert Stacy.

It is my true belief that we do not live up to our nation's sacred commitment to our veterans if we do not properly honor the sacrifices made by those who went above and beyond the call of duty. Again, I urge my colleagues to support the Chairman's En Bloc amendment and this important effort to honor Alfred Rascon, a true American hero.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. STUMP).

Mr. STUMP. Mr. Chairman, I rise for the purpose of a colloquy with the gentleman from California (Mr. HUNTER), the chairman of the Subcommittee on Military Procurement.

Mr. Chairman, section 151 of the authorization bill would prevent the Department of Defense from buying a commercial communications satellite system or leasing a communications service unless independent testing proves that the system or service will not cause harmful interference to collocated global positioning system receivers used by the DOD.

Mr. Chairman, I support the efforts to protect DOD technology, including GPS, from harmful interference. However, I am concerned that the independent testing requirement in section 151 could have the inadvertent effect of precluding DOD's purchase of cellular telephones, two-way radios, and other communication services until new standards and testing protocols are developed.

I ask the gentleman if this is the intent of section 151, and I yield to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I want to assure the gentleman from Arizona (Mr. STUMP) that the purpose of section 151 is not to delay the acquisition of needed communications or to impose new and unnecessary regulations. Our military forces rely very heavily on GPS signals for navigation, precision munitions, and other purposes. This section is intended to assure that communication systems using the spectrum close to that used by GPS do not interfere with GPS receivers.

Mr. STUMP. Mr. Chairman, I thank the gentleman. I believe this clarification will help us address DOD needs while being mindful of private sector concerns.

Mr. HUNTER. Mr. Chairman, I look forward to working with the gentleman on this matter.

Mr. SISISKY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS) for the purpose of a colloquy.

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Virginia for yielding to me.

Mr. Chairman, I rise to engage the chairman of the Subcommittee on Military Research and Development of the Committee on Armed Services in a colloquy regarding the defense of the United States electric power grid against information attacks, something that is very prominent at a large regional institution in our area, Drexel University.

□ 1645

A growing number of my constituents have expressed concern over the reliability of the U.S. electric power grid when challenged by natural disaster, terrorist attack or other threats. A major outage in the national electric power grid could severely cripple our society and significantly impact the national defense capabilities of this country.

I raise this issue today because all Department of Defense facilities in the contiguous United States depend to a greater or lesser extent upon commercially owned and operated electric power grids that are managed through computer networks that are increasingly using the Internet as a communication and control network. Because of the interconnection of the Nation's electric power grid, the increased dependence on information systems and technology for control of the grid, and the potential threat of cyber-terrorism to the Nation's information infrastructure, I have personal concerns about the potential threat that targeted or massive outages could pose to the national security of the United States.

Mr. WELDON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Pennsylvania.

Mr. WELDON of Pennsylvania. Mr. Chairman, I share the gentleman's concerns and applaud him for his outstanding national leadership on this issue. The committee's report states that the protection of the Nation's critical infrastructure against strategic information warfare attacks will require new tools and technology for information assurance and dominance. The ability to assess the vulnerability of the domestic electric power grid infrastructure to information attack will require the development of integrated models that can be used to develop strategies and procedures to detect and respond to terrorist attacks on the national electric power grid. Because defense information infrastructure is closely linked and dependent upon the domestic information infrastructure, I believe, and the committee report states, and I reinforce, that government, industry and academia should form partnerships to cooperatively develop information assurance solutions to protect the Nation's critical information systems infrastructure.

Mr. Chairman, I applaud the gentleman because he has taken a leadership role in developing such a model in the Philadelphia metropolitan region.

Mr. ANDREWS. Mr. Chairman, reclaiming my time, I thank the gentleman and look forward to working with him and I thank him for his leadership.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Chairman, I rise for the purpose of engaging the chairman of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services in a colloquy.

Mr. Chairman, during the markup of H.R. 1401 by the Committee on Armed Services, I offered an amendment that would have conveyed real property at military installations closed under the base closure laws at no cost to those communities still in the process of negotiating agreements with the Department of Defense governing the terms under which the property would be disposed and put back into effective reuse. In return, communities which would have received property in this manner would be required to invest in reuse that provides job creation, effective economic redevelopment, and other public purposes.

This is an issue of fundamental fairness to me. Base closures can have a disastrous effect on communities. As one example, the largest county in my district may lose 2 out of every 5 jobs as a result of the closure of Fort McClellan. The last thing we should be doing now is kicking an area like Calhoun County when it is already down.

Mr. Chairman, I withdrew my amendment in full committee based on the commitment of the gentleman from Colorado (Mr. HEFLEY) to work with me to try to find a solution to this problem. I am hopeful that the committee will soon hold a hearing on the subject. It is terribly important to the communities in Alabama and across the country who continue to struggle to recover from the effects of base closures.

Mr. HUTCHINSON. Mr. Chairman, will the gentleman yield?

Mr. RILEY. I yield to the gentleman from Arkansas.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman for yielding.

I want to note the support of the Department of Defense for the basic concept articulated by the gentleman from Alabama. Current law compels the Department of Defense to maintain these properties at enormous cost while expending considerable resources to negotiate acceptable purchase prices.

In my hometown of Fort Smith, Arkansas, the former army installation of Fort Chaffee was closed in 1995. Lately, the local redevelopment authority has been working diligently with the DOD to negotiate an acceptable purchase price. However, it is now clear that if the property is transferred at current market value, the purchase price will exceed the expected revenues generated from redevelopment.

A number of unique characteristics of the property make redevelopment a costly endeavor. There is little incentive to pursue a redevelopment plan if the public trust is unable to recoup the cost of purchasing the property.

Mr. Chairman, I had intended to offer an amendment similar to that proposed by the gentleman from Alabama (Mr. RILEY), but I understand the concerns expressed by the chairman of the subcommittee that his subcommittee has not had adequate time. So I hope we can move forward and resolve this issue promptly and look forward to working with the chairman.

Mr. RILEY. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments.

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. RILEY. I yield to the gentleman from Colorado, the chairman of the subcommittee.

Mr. HEFLEY. Mr. Chairman, I thank the gentleman for yielding.

I am acutely aware of the problem which the gentleman from Alabama (Mr. RILEY) and the gentleman from Arkansas (Mr. HUTCHINSON) have raised today. The Department of Defense has also made a proposal to expedite the reuse process. I am very sympathetic to the desire of the local communities to see effective economic reuse of former military installations and see it happen at the earliest possible time.

As both gentlemen know, this is a complicated area of law. I regret the administration did not forward the formal proposal in this area to our committee in time for us to really take action on it. We have not had the opportunity to have adequate hearings, but we fully intend to have those hearings, to have them in a timely fashion, and to have them prior to the time that we go to conference on this. I would like for both of my colleagues, and others that are interested, to participate in these hearings with us.

Mr. Chairman, I thank the gentleman for yielding to me, because this is an important issue and we do intend to address it. I appreciate both of my colleagues bringing it to my attention.

Mr. RILEY. Mr. Chairman, reclaiming my time, I wish to thank the chairman for his assurances.

Mr. SISISKY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Georgia (Mr. BISHOP).

Mr. BISHOP. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am pleased to cosponsor the amendment requiring the Secretary of Defense to report to the Congress on the results of investigations into the rash of recent failures of several of our space launch vehicles.

I serve on the Permanent Select Committee on Intelligence, and while this committee does not have jurisdiction over the Department of Defense space launch vehicles, it does exercise oversight over the National Reconnaissance Office, which is a primary customer of Air Force launch vehicles. Indeed, one of the 4 recent Titan IV launch failures involved an extremely expensive NRO satellite and another involved the loss of a missile early warning satellite that is of considerable interest and importance to the intelligence community.

I know that many of my colleagues, as well as many individuals in the executive branch and industry, and the public at large, are gravely concerned about these failures. Within the last year there have been 4 failures of the Titan IV, two failures of the newly designed Delta III, and one failure of the Athena rocket.

While 4 of these 6 failures entail the loss of commercial satellites and, therefore, did not cost the taxpayers anything, the other 4 failures were extremely costly to the government, in the neighborhood of $3 billion, I am told.

I understand very well that launching large satellites in space is inherently risky, and it is inevitable failures will occur from time to time, but this many failures in so short a time compels us to question our practices. It is doubly important to do so now since we are close to the first launches of the new Evolved Expendable Launch Vehicle, and since we have another dozen of the old Titan IVs remaining to be launched over the next 5 years. If we need to learn new lessons or rediscover old verities, now is the time.

It appears that there are no common causes for any of these failures, although the failure investigations are incomplete. However, I believe it is the case that all of the failures involve two companies, the two companies that are the prime contractors for all of the government launch vehicles.

It is certainly possible that this string of failures is merely some statistical aberration and does not reflect any systemic type of problem, or maybe there is really a systemic problem only within one program, like the Titan IV or the Delta III, or maybe the Delta III failures are just teething pains of a new system and the Athena failure is an isolated event.

Alternatively, and of utmost concern, is the possibility that the various pressures operating on the industry at this time are somehow causing problems that pose a threat to national security.

We know that launch rates in the industry for existing boosters are up substantially at the same time that new vehicles are being developed, which conceivably could stretch available managerial and engineering talent and

attention. We also know that competition is keener than ever, which combined with government pressure to reduce costs, conceivably could tempt some unwise cost cutting.

We also need to consider the potential impact of changes in acquisition processes, such as the level of oversight and inspection conducted by the government, performance incentives by our contractors, buying launch services, and even private insurance for government launches.

I know the executive branch and industry are anxious as we get to the bottom of this matter, and so I urge that this amendment be adopted.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I rise to ask for the help of my colleague, the gentleman from South Carolina (Mr. SPENCE), in bringing just compensation and closure to the surviving families of a tragic accident involving United States servicemen.

On September 13 of 1997, a German Tupelov aircraft veered off course and collided with a United States Air Force C–141 off the coast of Namibia. Nine American servicemen perished in the collision. Accident investigations conducted by both the United States Air Force and the German Ministry of Defense both concluded that the fault of the collision lay with the German crew, who had not only filed an inaccurate flight plan, but were also flying at the wrong altitude.

Five months after this accident, as we all know, a United States aircraft clipped a ski gondola cable in Italy, causing the deaths of 20, 7 of whom were German nationals. As has been customary, the United States Government is preparing to make financial settlement with the families of those victims. Unfortunately, the German Government has been slow to show a reciprocal sense of responsibility and concern for the loss of 9 American lives.

Senator STROM THURMOND has attached a resolution to the Senate defense authorization bill calling for the German Government to make a prompt, fair settlement with the families lost in this tragedy. This is similar to a resolution that I, along with 15 other bipartisan cosponsors, have introduced in the House.

I appreciate the strong support the chairman of the Committee on Armed Services has already given the surviving families of this accident, and I ask that when the Defense Authorization Act comes to conference the gentleman will accede to the Senate position with regard to the families of our lost airmen.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. SANFORD. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, I thank the gentleman for yielding, and I thank the gentleman for raising this important issue.

As the gentleman indicated, I have had a long-standing interest in seeing justice done in this case. The gentleman can be assured that I support the timely payment of compensation from the German Government in response to claims from surviving family members. Accordingly, I will support legislation that seeks to achieve that objective when it is considered for inclusion in the National Defense Authorization Act for the Year 2000.

Mr. SANFORD. Mr. Chairman, reclaiming my time, I thank the gentleman for his support.

Mr. SISISKY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I appreciate the committee accepting my ''buy American'' amendment. If we do not make it here and we go to war, who will we buy from; our enemy?

So I wish to thank the committee for its continued support, and I also want to thank the members of the committee for accepting the amendment from the gentleman from Pennsylvania (Mr. GOODLING) and myself that deals with weights bought for training measures from China.

Let me just advise Members of Congress that they have a $67 billion trade surplus, and they are buying submarines, tanks and aircraft with our money and pointing their missiles at us. So I thank my colleagues for accepting my amendments.

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The CHAIRMAN. The gentleman from Virginia (Mr. SISISKY) has 2 minutes remaining. The gentleman from South Carolina (Mr. SPENCE) has 1 minute remaining.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of the en bloc amendment, particularly that portion that pertains to the subject the gentleman from Georgia moments ago was talking about, the failures of the Titan 4–A and 4–B rockets and/or their upper stages, resulting in the loss of valuable military and intelligence satellites. This is $3 billion we have lost in these satellites, and we are counting with respect to that.

As a member of the Permanent Select Committee on Intelligence and as chairman of the Subcommittee on Technical and Tactical Intelligence, I also have jurisdiction over this matter from the intelligence perspective, and we have had meetings with the Air Force and other personnel concerning this, including the companies involved in the failures. And there are investigations under way from the executive branch's perspective.

But the national security interests and billions in costs required that appropriate committees in Congress, we believe, received detailed reports on failures as well as the reforms being implemented to prevent future failures.

As my colleagues can see, the amendment would require the Secretary of Defense to report to Congress and the President on factors involved in these failures and what systemic and management reforms are being implemented to minimize future failures. This oversight is not only desired, but required by us in the Congress to appropriate funds for these launches.

This amendment's requirements, we think, are prudent, and we thank the committee for considering them.

Mr. SISISKY. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Mr. Chairman, I rise in support of the McIntyre-Cramer amendment and would like to express my appreciation to the chairman, the gentleman from South Carolina (Mr. SPENCE), and the ranking member, the gentleman from Missouri (Mr. SKELTON) for their inclusion of this amendment in the en bloc package.

I thank my colleagues for allowing this amendment to go forward. I am committed to working with all parties concerned.

The thrust of the amendment is good government, three components: a positive relationship between our national laboratories and small business; a proper technology transfer program that enhances efficiency and integrity and maintains our global competitiveness in technology; and a productive partnership and level playing field between the Federal Government and the private sector. A positive relationship, proper technology transfer, productive partnership, three ingredients that will have a successful relationship between the Federal Government and small business.

I look forward to working with my colleagues in a continuing, constructive dialogue as we move forward to conference and including this in the DOD bill.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I know the gentlemen from California, Mr. CALVERT and Mr. HORN, want to engage me in a colloquy.

Mr. CALVERT. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from California.

Mr. CALVERT. Mr. Chairman, I thank the gentleman for yielding.

I would like to engage in a colloquy.

It is my understanding that the Department of Defense has been authorized to purchase a total of 120 C–17s as a follow-on aircraft to the C–141, which is in the process of a complete drawdown. It is also my understanding that the C–17 aircraft is a key component for modernizing our Nation's Active Duty and Reserve component's air mobility resources.

I ask the chairman, the gentleman from California (Mr. HUNTER), what is his opinion of the effectiveness of the C–17 aircraft, especially during the current high level of operations.

Mr. HUNTER. Mr. Chairman, if the gentleman will continue to yield, I want to thank my good friend from California, who happens to have the March Air Reserve Base in his district, I want to thank him for involving me in this important discussion of the future air mobility needs of our military.

I also agree with him that the C–17 is a very vital tool for our Nation's air mobility needs. In fact, it has performed beyond the high expectations of the committee and the Department of Defense. With our increased reliance on Reserve components, coupled with technological advancements, we will become further reliant on flexible, multipurpose aircraft, such as the C–17.

Mr. CALVERT. Finally, would the gentleman comment on what role he thinks the Reserve units will play in our military's air mobility capacity?

Mr. HUNTER. Mr. Chairman, of course, this is a conversation, too, that I know the chairman of the full committee is very interested in; he is a very important part of this, and I appreciate this opportunity to respond to this inquiry.

As many Members with Reserve components in their district know, such as the gentleman from California (Mr. CALVERT) with March Air Reserve Base, the Nation's Reserve components currently play a very key role in our Nation's air mobility capacity. We could not be involved in the air campaign right now without that Reserve component.

As has been displayed in this recent conflict, the Reserve units are being heavily utilized both in air mobility and other key areas. I believe that this trend of relying on Reserve components will only continue to increase. But we should ensure that these units are outfitted with the most technologically advanced resources available. And once again, the C–17 has done a great job.

Mr. HORN. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from California.

Mr. HORN. Mr. Chairman, I thank my two colleagues from California.

The C–17, as we all know, is one of the great success stories. I am proud to say it is built in Long Beach, California. It started with Douglas Aircraft, now owned by Boeing Aircraft. They won the top award for quality in America last year in manufacturing. That is the Malcolm Baldrige Quality Award administered by the United States Department of Commerce.

In Kosovo, C–17s showed that they can deliver both humanitarian goods and military goods on time in small airports with short runways. It is my hope that we will have more and more C–17s sold to foreign governments so their military groups can build up their capacity in air mobility and bring needed equipment, supplies, and personnel to the war zone.

I would also hope that civilian cargo airlines could use the C–17s on the very small landing fields we have around the world. The C–17 is a success story. It ought to be shared. Those sales would help us lower the per-unit cost.

I thank the gentleman from California (Mr. HUNTER) for all that he has done to procure the C–17.

Does the gentleman from California (Mr. HUNTER) believe that the Secretary of Defense should explore the recent offer to drastically reduce the price of additional C–17s as a means for addressing some of the future needs at home and abroad?

Mr. HUNTER. Mr. Chairman, if the gentleman will yield further, yes. And I want to thank both gentlemen from California for their interest in this important discussion.

It is my understanding the Secretary is currently exploring all options to modernize our air mobility forces, including the need to acquire additional C–17s.

With respect to selling some of these to our allies, often the answer given to us by them when we ask for their support in operations like the air campaign that is currently being undertaken where we are doing the lion's share of the work and paying the lion's share, that often the answer to us is that we have the resources, we have the aircraft. And if we can sell some of these C–17s to our allies, with that, along with the possession of high-capability aircraft, will go the responsibility to use them in joint operations and take some of the burden off American forces. I think that is a good thing.

Mr. SPENCE. Mr. Chairman, I yield to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, I thank the chairman for yielding.

The amendment I am rising to speak on in favor of is that which allows the transfer of the reactor at McClellan Air Force Base to the University of California.

The CHAIRMAN pro tempore. The time of the gentleman from South Carolina (Mr. SPENCE) has expired.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, I thank the chairman for yielding.

The amendment allows the transfer of the unwanted reactor at McClellan Air Force Base to the University of California (Davis) and provides the funding for decommissioning it. This is a reactor owned presently by the Air Force for which they have no further use. The expectation is that they will pay the decommissioning cost.

This transfer allows our region, which is suffering through base closures, to realize the benefit of 25 additional years of use of this small reactor without any additional cost.

I appreciate the committee making this amendment in order. I look forward to its passage. This is a win in our very difficult base closing process, and I applaud the Congress for making us part of this.

Mr. ANDREWS. Mr. Chairman, I ask unanimous consent to strike the last word.

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

There was no objection.

Mr. ANDREWS. Mr. Chairman, I yield to the gentleman from South Dakota (Mr. THUNE).

Mr. THUNE. Mr. Chairman, I appreciate very much the committee's cooperation and the distinguished chairman, the gentleman from South Carolina (Mr. SPENCE), and the ranking member, the gentleman from Missouri (Mr. SKELTON) for making in order the Thune-Stenholm amendment and agreeing to accept it.

It is very important to a lot of the current members of active duty forces in the armed services, military retirees, and their dependents. This amendment seeks to help make TriCare, the military health care system, a more efficient, more user-friendly military health care system.

Since 1987, 35 percent of the military hospitals in the United States have closed. Similarly, the number of doctors, nurses, and medical technicians in military services dwindles. However, the number of beneficiaries is not dropping at nearly that rate.

As a result, defense medical leaders needed to find a way to deliver health care that would combine military and civilian resources into a system that would maintain or improve quality, increase access, and control costs for beneficiaries and taxpayers. TriCare is intended to fill that need.

My State, the State of South Dakota, is home to the fine men and women of Ellsworth Air Force Base, as well as to a sizable military retiree population. Each of those individuals and the many health care providers in western South Dakota have a direct interest in TriCare.

This amendment does not make massive changes in the TriCare system. Rather, it is about fine-tuning the system to make it better for all those involved. The language deals with specific areas of concern expressed by constituents, military service organizations, health care providers, contractors, and the Department of Defense.

The amendment will help ensure contracts allow for best business practices, help provide for a better understanding of the reimbursement rate structure in rural areas, improve health care access for military personnel deployed in remote and rural locations, and reduce some of the paperwork burdens for beneficiaries of the military fee-for-service program.

The gentleman from Texas (Mr. STENHOLM) and I have spent hours receiving comments and reworking the amendment to address many of the concerns that we have heard. And again, I would like to thank the chairman for including and accepting it.

These amendments have the support of the National Military and Veterans Alliance and the Military Coalition, which together represent over 40 military veterans' organizations with a combined membership of well over five million people.

It is important change. It is not going to make the TriCare system perfect. But I do believe it will make it better for those who have served and continue to serve our great Nation.

So I thank the chairman for yielding and appreciate his acceptance of this amendment.

Mr. ANDREWS. Mr. Chairman, I yield to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, the gentleman from Virginia (Mr. DAVIS) had to leave, but he was concerned about the multipurpose processor program, a program that was developed in his district in one of the premier high-tech companies in the country, which is located in Northern Virginia, that has reinstated to a large degree the superiority of American submarines, giving us some 200 times the capability we had in the past with about one-tenth of the cost. It has really been a great breakthrough.

The committee likes this program.

We want to apologize to the gentleman from Virginia (Mr. DAVIS) and to the Navy because due to a technical error, the program fell out of our budget. The other body does have it in their budget. And so, when we go into conference, we are going to make sure that we work to restore that. It is an outstanding program. It provides enormous leverage for the U.S., and we will work during the conference to restore it.

Mr. ANDREWS. Mr. Chairman, I yield to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I say to the gentleman from California (Mr. HUNTER), section 141 of the National defense authorization bill for fiscal year 2000 contains a provision that would allow non-stockpile chemical agents, munitions, or related materials specifically designated by the Secretary of Defense to be destroyed at chemical stockpile facilities once the affected States have issued the appropriate permits.

One of those facilities is located in my district at Anniston, Alabama. I am concerned and strongly believe that local jurisdictions should have a voice in any decision to use chemical stockpile destruction facilities for purposes other than the purpose for which they were originally constructed, destruction of the stockpile of lethal agents and munitions that are stored at the site.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for his expression of concern and for his leadership in this area.

In discussing the chemical agents and munitions weapons destruction program, the committee report notes and has emphasized the increasing practice of meaningful involvement by State and local jurisdictions in the development of programmatic and policy decisions that are specific to their local stockpile storage sites.

We will work with the gentleman in this area.

Mrs. TAUSCHER. Mr. Chairman, I rise to express some concerns that I have with the McIntyre Amendment, which is included in the en bloc amendment offered by Mr. SPENCE.

The McIntyre Amendment would direct DOE laboratories to make available a range of expedited dispute resolution procedures to resolve differences with private sector entities. The goal of this amendment is good. Given the nature of technology transfer, and the demands of bringing new technologies to the marketplace in a timely manner, it is important that disputes are settled quickly and amicably.

But I am worried that this amendment's focus on expedited resolutions would sometimes exclude more appropriate forums for the resolution of disputes. I also believe we need to keep in mind the interest of the American taxpayer and not subject federally funded institutions to dispute resolution procedures that fail to protect their interests. In an effort to provide a speedy resolution to disagreements, I am concerned that this amendment may unintentionally fail to ensure access to the appropriate venue for resolution.

There is no evidence, Mr. Chairman, that system-wide deficiencies exist in the federal technology transfer process. Indeed, technology transfer laws have made it possible for important federally developed technologies to reach the commercial marketplace. It is important that we not threaten the success we have had in technology transfer by making changes in the process that might restrict the ability of our laboratories to participate.

I appreciate the dialogue that Mr. MCINTYRE and I have had on this amendment in recent days and I look forward to working with him to address my concerns as this legislation moves forward.

Mr. GALLEGLY. Mr. Chairman, I rise in support of the en bloc amendment and want to thank the Chairman of the Armed Services Committee, the Ranking Democrat, and the Chairman of the Procurement Subcommittee for their support of my amendment which provides an authorization of funding for the procurement of important fire fighting equipment used by the Air National Guard and Air Force Reserve.

Currently, there are twelve Modular Airborne Firefighting Systems known as MAFFS in operation, two of which operate in California. These units, which are twenty-six years old and which are used exclusively on military aircraft to help fight forest fires across the country, are now at the end of their useful life and are in urgent need of replacement. Our Air Force Reserve and National Guard believe that each year these aged and outdated systems continue to be used, the more they become a danger to the C-130s they are flown in and the crews that man them.

As you know California and many other areas of the Southwest suffer from severe wildfire damage every year. These units are extremely important in helping to fight these fires and the replacement of these MAFFS units is a high priority among our National Guard.

Last year, for Fiscal Year 1999, the Defense Appropriations bill included $6 million for the procurement and replacement of the first several MAFFS units. I understand the Air Force has already begun the process of competing these funds for the replacement units.

My amendment simply authorizes the Secretary of the Air Force to carry out the remainder of this procurement.

I understand the many competing, and important programs for which the Committees must provide funding and I appreciate the Committee's willingness to help support this critically needed firefighting equipment by accepting my amendment.

Mr. CRAMER. Mr. Chairman, this amendment was inspired by a House Science Committee Democratic Staff report entitled "Spinoff or Ripoff," released on April 9 of this year, which examined many aspects of the technology transfer program at a government-owned contractor-operated National Laboratory. I would like to submit to the record Chapter C of the Committee Staff report, which reviews an intellectual property dispute, and the technology transfer practices at one of our National Laboratories.

This amendment will help ensure that the transfer of technology from our National Labs to American business is working hard as well as it should. It will make alternative dispute resolution and mediation available to small companies that simply can't afford the time or costs associated with a prolonged legal dispute with the government-owned Labs. Avoiding a prolonged legal battle will not only save money and resources for American companies, but it will also save money for the American taxpayers.

This amendment will hold the contractor that operates the Lab liable for damages to the extent that they are found at fault. This is simply assuring appropriate accountability for those who participate in technology transfer practices that may cause harm to commercial businesses.

This amendment also addresses the structure of the technology transfer policies at each of the DOE National Laboratories. Today, if any company in this Nation wanted to enter into technology transfer partnerships with multiple DOE National Laboratories, they would have to deal with a different set of procedural requirements at each Lab. This amendment will ensure consistency of technology transfer policies and procedures across the Labs. We hope that this will encourage maximum utilization of tax-payer funded research and development by commercial industry.

I would like to make it clear that I believe that most of the people working at our National Laboratories are among our most talented and patriotic citizens. We are concerned that the technology personnel at these Labs receive sufficient training in U.S. law governing technology transfer. This amendment requires that personnel responsible for patenting, licensing, and commercialization activities—all of which are fundamental to a successful technology transfer program—be knowledgeable about the appropriate legal, procedural, and ethical standards.

This amendment is intended to help ensure that future technology transfer activities at the National Labs are carried out in a manner befitting a taxpayer-funded entity, with the goal of strengthening the competitive, scientific, and economic stature of American companies and research organizations. This amendment will strengthen the role that the National Laboratories will play in bringing this great Country into the 21st Century. Mr. Speaker, I urge my colleagues to support the future of technology transfer and our National Laboratories by supporting the McIntyre-Cramer amendment.

SPINOFF OR RIPOFF?

TECHNOLOGY TRANSFER AT DEPARTMENT OF ENERGY NATIONAL LABORATORIES: THE DEVELOPMENT & COMMERCIALIZATION OF MICROPOWER IMPULSE RADAR AT LAWRENCE LIVERMORE NATIONAL LABORATORY

(C) The Intellectual Property Dispute with TDC

There are four stories that can be told relating to the intellectual property dispute between the Laboratory and TDC. The first story, and the one that attracted Congressional attention, was a claim by TDC that Thomas McEwan and the LLNL/UC had appropriated TDC's technology and passed it off as their own. The second story is Mr. McEwan's story; not surprisingly, it lies approximately 180 degrees away from the TDC claims. While Democratic Staff will briefly recount these two claims, we do not have the capability to determine where the truth lies. We simply cannot ascertain whose version of the truth is right, and we repeat the tales simply to aid those who would take up further investigation and to create a context in which the third and fourth stories make more sense.

It is the third and fourth stories, regarding technology transfer practices at the National Laboratories and the Laboratories' response to complaints such as TDC's, that raise important policy questions: Is there adequate guidance for inventors on what prior art they are required to cite when crafting patent applications? Are the Laboratory technology transfer attorneys doing a reliable job of scrubbing and perfecting those applications before submitting them to the PTO?[1] Is there a policy in place at the Laboratories that directs what the response of a Laboratory should be when it is faced with a complaint like TDC's?

If the technology transfer process at the Laboratories allows incomplete applications to go forward, it may be that there are cases out there, still unidentified, where the PTO has assigned a patent in good faith to the Laboratory based on incomplete disclosure of prior art. In this event, the taxpayers are at risk for legal costs and damages should a private firm or individual challenge that patent and win at trial. Without judging the merits of the TDC claim against the Laboratory, there may be a system in place at LLNL that could create more TDC-type complaints in the future.[2]

Finally, a fourth story can be told about the response of LLNL/UC to TDC's claim as well as to repeated requests by Members of Congress both for information and for a resolution to the problem. TDC first brought this matter to the attention of DOE in fall, 1995. It was not until December 1997 that LLNL/UC submitted the patent for reexamination to the PTO. Moreover, LLNL/UC have consistently supplied both TDC and Members of Congress misleading or factually incorrect information regarding several aspects of the commercialization of MIR technology, and their submission of this information has consistently taken much longer than it should have. The policy issue raised by this aspect of the case is whether there are options available to a small private sector entity when making a complaint against a National Laboratory to ensure that the complaint is addressed promptly and in good faith by the Laboratory in question.

(1) TDC's account of intellectual property theft

In essence, the TDC account is that Thomas McEwan and LLNL/UC stole technology from TDC and Larry Fullerton. As Ralph Petroff of TDC stated in a February 9, 1999 letter to Dr. Michal Freedhoff: ''(t)his is not technology transfer; this is the 'evil twin' of technology transfer—the government knowingly appropriates technology that it did not invent, sells licenses for technology that does not work, and declares the whole process ''the most successful technology transfer project in DOE history.''

TDC argues that Mr. McEwan began working on his MIR project immediately upon his return from the March, 1990 LANL meeting on UWB radar where he had heard at least one presentation involving Fullerton, and that ''Mr. Fullerton presented two papers at the Symposium.''[3] TDC describes this symposium as a ''small conference'' and quotes another attendee as saying that ''(y)ou could not have attended that conference without being exposed to the Fullerton technology.''[4] TDC also notes that Aviation Week & Space Technology, ''a publication that is widely read at LLNL,'' ran two articles subsequent to the conference that emphasized Mr. Fullerton's work and patents.[5] Finally, TDC notes that several other publications that would probably have been seen by those in the UWB radar community in the early 1990s also mention Larry Fullerton and his inventions.[6] In short, Mr. McEwan had to have known who Larry Fullerton was, the nature of Mr. Fullerton's work and that Mr. Fullerton held patents in the UWB radar field.

More proof of Mr. McEwan's awareness of Fullerton is offered by TDC: ''The 'never-heard-of-Fullerton' explanation was further contradicted by the comments of two customers (one commercial, one government) who claimed that Lawrence Livermore personnel (including McEwan himself) had contacted them in an attempt to take potential business away from Time Domain. The basic message was 'You don't want to (sic) business with Time Domain. Our technology is the same as Fullerton's—only better.' ''[7]

TDC also claimed that ''McEwan himself made the comment that the 'MIR technology was the same as Fullerton's—only better.''[8]

Finally, TDC points to a September, 1990 funding proposal co-authored by Thomas McEwan and David Christie. This presentation, titled ''Ultra-Wideband Time Domain Imaging Radar,'' included a graph that TDC's attorneys concluded was a reconstruction of a graph included in the paper co-authored by Fullerton and presented at the March, 1990 LANL meeting.[9] That presentation, according to TDC: ''utiliz(ed) only slightly reformatted graphs of the same information (emphasis in original) that Fullerton presented at Los Alamos! . . . This proves McEwan knew of the Fullerton technology and was busily preparing presentations within weeks after the Los Alamos Symposium . . . (T)his document proves that McEwan had access to Fullerton's work, and therefore that McEwan derived his invention from Fullerton.''[10]

TDC goes on to say: ''This blatant misappropriation of intellectual property was the beginning, we believe, of the pattern of 'inventions' by McEwan. McEwan's successful solicitation of financial support from LLNL led the Lab into the field of 'reverse technology transfer'—*taking technology from the private sector and using public funds to compete against the original inventor* (emphasis in original).[11]

Review of Laboratory documents and other materials by Democratic Staff revealed at least two other occasions when, prior to his 1993 patent application, Mr. McEwan cited the work of Larry Fullerton. A June 27, 1990 internal memo from T.E. McEwan to E.M. Campbell stated: ''A recent Aviation Week article brought out another new area for fast impulses—covert and spread-spectrum communications. Apparently some outfit perfected a time-domain encoder which uses picosecond timing to convey information and is both undetectable and undecipherable with conventional gear.'' This quote describes the substance of the June 4, 1990 Aviation Week & Space Technology article that pointed to Fullerton's work in UWB communications.[12]

On February 11, 1992, Thomas McEwan faxed a copy of a Fullerton paper entitled ''Ultra-Wideband Beamforming in Sparse Arrays'' to Mr. Bruce Winker of Rockwell International.[13] Mr. Winker had been in discussions with Mr. McEwan and LLNL about licensing a shockline technology.[14] Mr. McEwan had apparently promised to send Mr. Winker a paper that spoke to a technical issue that Winker had raised—Fullerton's paper is what was faxed out.

This additional example confirms Mr. McEwan's knowledge of Fullerton and TDC's work in this area as of February, 1992. In August, 1992, McEwan filed his first Invention Disclosure form; in 1993 he filed his first patent applications on UWB for motion-sensing radar technology. As TDC notes, neither the Invention Disclosure nor the patent application makes any mention of Larry Fullerton despite the many occasions on which

Footnotes at end of document.

McEwan was exposed to Fullerton's work. TDC goes on to claim that McEwan was engaged in ''terminology tactics'' designed to obscure the similarities between the device he was submitting for patent protection and the inventions that Fullerton already had patents on—patents going back to 1987.[15]

In sum, TDC argues that Mr. McEwan knew about Mr. Fullerton's work; Mr. McEwan felt Fullerton's work was important enough to cite or mention to others at the Laboratory and to an outside party with whom he was negotiating; Mr. McEwan neglected to cite any of that work in his Invention Disclosure form or patent applications to try to obscure from the PTO the similarity between his and Fullerton's work. With a patent in hand, Mr. McEwan and LLNL/UC could then proceed to license ''their'' technology and reap the enormous profits that would come—all at the expense of TDC. To defend its intellectual property, TDC would have to bear the costs of litigation against a Federally-funded entity and the State of California.

(2) Thomas McEwan's account of intellectual creativity

Mr. McEwan's account of events is extraordinarily different from the TDC version. It is difficult to form a coherent picture of the McEwan and LLNL/UC account because of differences in claims that have come to us from Mr. McEwan and LLNL/UC and because of holes in the documentary record provided by LLNL/UC. Consequently, some of the following is based on piecing that record together, largely from communications from Mr. McEwan to others, including Democratic Staff.[16]

Mr. McEwan became interested in UWB applications and decided to attend the March, 1990 LANL meeting. He wrote in his trip report on the symposium that his interest was piqued by an article in Aviation Week & Space Technology[17] that ''it could defeat stealth technology and the stealth community regards impulse radar as a 'very very touchy issue.' ''[18] In preparation for the March session at LANL, he began reading relevant literature in January, 1990. His Task Progress Report (TPR) for January reads (in part): ''Impulse radar was surveyed in the library, with some papers on subsurface probing found.'' Mr. McEwan's February, 1990 TPR reads (in part): ''Impulse radar range calculations were made, and related survey work continued.''

Mr. McEwan attended the March, 1990 LANL meeting along with 10 other LLNL employees. This Symposium included more than 200 official participants with 74 papers presented. Mr. McEwan maintains that: ''I did not see or hear Mr. Fullerton at the conference, and can only assume that he made an oral presentation, if any, during the classified session, which I can prove I missed except for the opening paper by Col. Taylor (as I recall).''

Mr. McEwan also adds that: ''I believe Forrest Anderson orally presented the first [Fullerton] paper on antenna arrays, with Mr. Fullerton cited as a co-author. Mr. Fullerton is not listed as an author or co-author on the second paper,[19] so I'm confused about TDC's claim that it's Fullerton's paper (don't you have to be an author to claim it's your paper?). Neither paper was mentioned in my extensive trip report, nor Dave Christie's.''[20]

Mr. McEwan is right to raise a question about the TDC claim that Fullerton presented two papers. There are references to Fullerton in the text of the Bretthorst paper, but he is not listed as a co-author; TDC's assertion that he had two papers at the conference is misleading. In any case, Mr. McEwan's trip report does not offer clear evidence that he attended either presentation. However, he does mention work being done at Washington University, stating ''They ran probability of detection studies on 300 ps impulse returns.''[21] This is certainly a reference to the Bretthorst (Washington University) et al. paper. Whether McEwan attended the presentation or saw a poster regarding this work, or learned of it in some other way, is unclear. But even if he had attended the presentation, it was not given by Mr. Fullerton.[22]

Mr. McEwan submitted a very detailed, six-page trip report that mentions 23 different organizations or presentations, though it isn't always clear whether he was at a presentation, saw a poster, collected a paper or learned about the work he mentioned in another fashion. One could probably fairly characterize the majority of his discussion regarding applications that relate the possibility that UWB could defeat stealth technology.

Mr. McEwan returned from LANL excited about the possibilities of developing UWB technologies. In his trip report, he writes: ''There was virtually no mention of work below 100 ps and no mention of high power avalanche shock-wave devices. By all appearances, our work in the Laser Program places us well in the lead for high power sub-100-ps pulses . . .''[23]

''Our work in the Laser Program positions us in the areas of waveform generation and transmitters with our avalanche shock-wave devices and in the receiver area with our high speed instrumentation work, e.g., photoconductive sensors and sampling devices. Avalanche shock-wave pulse generation is an area where LLNL retains international leadership. We are currently generating 100 kW pulses with a 25ps risetime and expect to be near the 1MW level within six months. . . . It is possible that avalanche shock-wave techniques could satisfy virtually all impulse radar requirements.''[24]

Mr. McEwan wasn't the only one from the group who saw some possibility of applying the work they had been doing for the NOVA laser to solving challenges to UWB applications. Mr. David Christie's trip report reads in part: ''My assessment is that this technology is still in its infancy . . . Clearly, the message was that everything is at an early stage of development, not just the high average power, high rep-rate impulse generator technology. This leaves both time and room for us to get involved . . . My opinion is that the 'bulk avalanche' GaAs [gallium arsenide] switch is a good candidate for further examination. Its availability at a significant peak power and rep-rate could serve to shape the direction of the impulse radar business. At a minimum, it would give us a clear entry into the early development of impulse radar technology. Power Spectra [a private firm] is known to be developing this technology for radar, countermeasure, and detonator applications. My impression is that they are still struggling with life and reliability issues. The University of Texas has one graduate student working on the avalanche mode switch, and LLNL, as you know, has a small effort funded by Engineering. The physics of the 'bulk avalanche' switch are not yet understood, and . . . would be the most important thing to address first.''[25]

Mr. McEwan did apply or internal Laboratory funding to develop this technology; he and LLNL/UC have maintained that he never received funding and had to work on the UWB technology in this spare time. However, Democratic Staff are in possession of a series of documents that indicate that he not only proposed and received funding for these efforts in FY 91, FY92, and FY 93, but was also involved in a series of marketing presentations in 1991 and 1992[26] (see appendix 2 for citations). These presentations raise the possibility that Mr. McEwan possessed the elements for his invention well before the date on his invention Disclosure Form. However, we were unable to examine his lab notebooks to track the progress of his work.

In any case, Mr. McEwan did not file an Invention Disclosure until August 28, 1992. He portrays the moment as coming from a flash of insight. A July 24, 1998 letter from Mr. McEwan to Mr. Ron Cochran states: ''I invented MIR during 1992 while experimenting with a classic impulse radar that is well-described in the technical literature; the radar was similar to ground penetrating radar, but employed sampling technology that I developed for the Nova laser program at LLNL. The idea for MIR came quite by accident and in a flash of inspiration—I still remember the moment. Its subsequent development and refinement relied heavily on my extensive background in high speed electronics, electronic warfare and sampling technology.''[27]

After this insight, he reportedly began and completed his 30-page Invention Disclosure form (over a very short ten-day period) and worked with the LLNL patent office to prepare his first MIR patent application.

Mr. McEwan has not denied knowing something about Fullerton and his work. However, he denies that he had an obligation to cite Fullerton in his patents or Invention Disclosure: ''As I understand it, TDC's position is that I should have cited Fullerton on my MIR motion sensor patent. I agree—had I known about the Fullerton motion sensor patent. I disagree with the idea that knowing someone was working in radar would be sufficient grounds to search their patent records. By that logic, I should have searched all 100 presenters at the LANL '90 conference, and (sic) well as 1000s of others in the field of radar. After all, radar is a greatly diversified field.''[28]

He goes on to say that: ''The LLNL patent group did not perform a prior art search on the disputed MIR patent. As I understand it, LLNL patent group generally relies on the PTO to conduct a minimal prior art search. There's nothing illegal in not performing a prior art search—you are only required to submit known relevant art.''[29]

(3) LLNL/UC technology transfer practices may be inadequate

It is impossible to determine, based on the materials in our possession, whose version of the story is accurate. But from a policy perspective, our concern rests with the adequacy of the LLNL/UC patenting process. In this sense, this third story begins where Mr. McEwan's defense leaves off.

Mr. McEwan's defense for not citing TDC rests on his understanding that relevant prior art resides only with patents. It is clear that even as late as October, 1998, three years after the intellectual property dispute with TDC had begun, he was still defending his failure to cite TDC based on his lack of awareness of the TDC patents. The duty of candor that comes with a patent application includes a much broader conception of prior relevant art than Mr. McEwan's position reveals.[30]

Independent patent experts contacted by Democratic Staff have said that material information could include articles in the press, white papers, presentations at conferences, or publicly available information from any

other source, including but not limited to patents.[31] Consequently, Mr. McEwan's knowledge of the Fullerton patent portfolio is not the sole universe of prior art which he should have been concerned about citing in a patent application. Mr. McEwan could reasonably have been expected, had he understood this broader definition of prior art, to have cited the Fullerton work that he was aware of that TDC can point to as proof that Mr. McEwan had knowledge of Mr. Fullerton's efforts.

To put this another way, if Mr. Fullerton's work was important enough to cite in internal Laboratory memoranda and faxes to third parties, it was probably something an attorney would suggest be included in his patent applications. The evidence that Mr. McEwan may not, even now, understand this broader responsibility lies in the language of his defense; he does not say he didn't cite Mr. Fullerton's body of work because it was not relevant prior art, nor does he deny that he at least knew something about Mr. Fullerton. He rests his defense on ignorance of Mr. Fullerton's patents. This suggests that neither at the time he was preparing his patents nor to this day has Mr. McEwan been properly instructed by a LLNL/UC patent attorney on the subject of prior relevant art.

LLNL/UC's technology transfer office had a duty to vet Mr. McEwan's work in a meaningful fashion.[32] Their guidance and questioning of the inventor should have made clear the scope of materials that would constitute prior relevant art. Further, we would expect that the technology transfer office should have engaged in their own review of the literature and existing patents and Fullerton should have shown up prominently in one place or the other (or both), leading to follow-up with Mr. McEwan.[33]

This apparently did not happen. If LLNL/UC's patenting process was more rigorous, it is highly likely that at least some of Mr. Fullerton's work would have been cited as prior art. It is also likely that any one of those citations would have triggered the patent reviewers to find and examine Mr. Fullerton's patents for comparison and all parties in this dispute would have had a clearer, fuller ruling from the PTO many years ago. If these is fault here, it perhaps lies not with Mr. McEwan, but with LLNL/UC's patenting process. We strongly recommend that this process be reviewed by DOE and Laboratory management, and that steps be taken to insure that a) every disputed patent owned by LLNL/UC is thoroughly reviewed, and the PTO and general public be immediately notified of any failures to cite relevant prior art and b) every future patent application is thoroughly reviewed and appropriate prior art searches done before the attorneys for LLNL/UC move patents forward to the PTO.

(4) LLNL/UC's response to TDC and Members of Congress was inadequate

The fourth story associated with the intellectual property dispute between LLNL/UC and TDC is LLNL/UC's response, both to the dispute and to Congressional inquiries associated with it.

In September, 1995, a meeting was held in Senator Shelby's office which included DOE personnel and representatives of a precursor entity to TDC. LLNL/UC personnel were reportedly invited but unable to attend. This meeting was the first known instance in which DOE was made aware that the MIR patent claims granted to Mr. McEwan and LLNL/UC were being contested by TDC. It also appears clear from the Taylor/McEwan paper cited earlier that Mr. McEwan and LLNL/UC personnel knew about TDC's patents by fall, 1995.[34]

Appendix 4 lists more than 40 additional attempts by Members of Congress and TDC and/or its precursor entities to resolve this matter with correspondence, meetings and conversations with LLNL/DOE. In the words of TDC: ''Neither LLNL–UC nor DOE has made any serious attempt to resolve the situation. Indeed, there is little incentive for LLNL–UC to ''do the right thing'' under the present structure because they can outlast any private sector challenge by using the almost unlimited legal and financial resources of the state of California and the U.S. Government.''[35]

Several of the contacts listed in Appendix 4 are worthy of some mention. The June 19, 1997 document entitled ''Summary of the Dispute Between Time Domain and LLNL'' is 21 pages long with a very lengthy appendix, and was provided by TDC to LLNL at the request of Dr. C. Bruce Tarter.[36]

On February 2, 1998, Dr. C. Bruce Tarter responded to the June 19, 1997 submission from TDC with a 5-page reply. The response stated that: ''In response to the initial complaint, the matter was fully investigated and no evidence was found to support any of the allegations. . . . Upon receipt of the ''new material,'' we took all the papers and exhibits you submitted and reviewed them in detail. I sought input from several associates, with knowledge of the patenting process and the technical fields. Our unanimous conclusion, after that review, was that the material did not support your representations.''

When LLNL/UC personnel were asked to provide copies of this investigation, Committee Staff were informed that the results of these endeavors were conveyed to Dr. Tarter orally, and that correspondence between LLNL/UC and its counsel was privileged and could not be shared.

On September 25, 1998, Congressmen Brown, Cramer, Roemer, Aderholt and Callahan submitted 9 pages of detailed questions to both LLNL/UC and DOE.[37]

On December 21, 1998 LLNL/UC responded to this letter. The response contained few specific answers to the variety of technical and legal questions posed, referring the requesters to submissions by LLNL/UC to the PTO and other documentation. On February 23, 1999, the DOE responded with no specific answers to these questions.

The LLNL/UC MIR web site continues to make no mention of this dispute or the status of the PTO reexamination. A prospective licensee who was perusing the site would know neither that the intellectual property was being challenged, nor that the PTO had issued a First Office Action.

TDC attempted to resolve this matter with LLNL/UC in 1995; Nearly four years later and after numerous attempts on the part of Members of Congress to expedite the resolution of this problem, it remains tied up in what could be a lengthy and costly ruling and appeals process in the PTO—a process that was only started two and a half years after the beginning of the dispute. Dr. C. Bruce Tarter does state, in a September 17, 1998 letter to Congressmen Brown, Cramer and Roemer, that: ''For example, the allegation that LLNL has not done what it should to resolve this issue as quickly as possible is especially troubling in light of the special efforts LLNL has made toward expeditious resolution. In fact, shortly after initial questions were raised more than two and one-half years ago, a request for re-examination was proposed by LLNL. Filing this re-examination request was delayed at the urging of a predecessor to TDS in this area, Pulson, and subsequently of TDS in order to explore other approaches. Nevertheless, in LLNL's view, this PTO process continued to provide the only feasible means available to us to effect an objective and expedient resolution to this issue by an entity with the expertise to deal with the highly technical subject matter.''[38]

Democratic Staff believes that if a private sector entity enters into dispute with a Federally Funded entity, that the Federally Funded entity should behave with the utmost haste and integrity in order to see that the matter is resolved as expeditiously as possible and with the least possible expense to the private sector entity. This may not have happened in this case. We believe that before resorting to a PTO process which can take years and cost hundreds of thousands of dollars, Federally Funded entities should attempt to enter into a less expensive, less time-consuming solution such as alternative dispute resolution (ADR). We have been told that both TDS and DOE were willing in principle to enter into some sort of ADR, but that LLNL/UC was not; we don't know the degree to which the option was explored by LLNL/UC before it was rejected, nor do we know why it was ultimately rejected.

We also note that since beginning to examine the allegations made by TDC against LLNL/UC we have been made aware of three additional disputes, two of which involve LLNL/UC, that have also been in progress for several years without any resolution.[39]

Another issue is the manner in which LLNL/UC responded to inquiries made by TDC, Members of Congress, and Democratic Staff. The responses were generally late, generally lacking specific answers to the questions asked, and at times including information later established to be incorrect or misleading. One such example (discussed in an earlier section) involves LLNL/UC's response to a question regarding the way the FCC licensing requirements were portrayed. Another involves the genesis of early UWB radar work at LLNL, as Thomas McEwan and LLNL/UC personnel have maintained a version of the circumstances surrounding the development and commercialization of MIR that is often at odds with other documentation obtained by Democratic Staff (see Appendix 2).

APPENDIX 2, THE EARLY DEVELOPMENT OF MIR

The discovery of MIR was said to have been accidental, not to have been a result of targeted UWB radar R&D, and to have taken place in 1992 during a flash of inspiration experienced by Mr. McEwan. LLNL/UC and Mr. McEwan have made the following statements in regard to this discovery: ''Since the MIR technology was developed in conjunction with work being performed for laser fusion research, there was no separate request for funding in the early stages of the work.[40]

''After the LANL '90 conference, LLNL turned down my radar funding requests in the '90–'93 time frame. I ended up developing MIR after hours.''[41]

During a meeting with Committee Staff at LLNL on December 8, 1998, Dr. Michael Campbell, Director of Laser Programs at LLNL, reiterated the claim that no targeted development of UWB radar technology was funded prior to Mr. McEwan's reportedly accidental discovery of MIR in 1992. According to Dr. Campbell, Mr. McEwan's sole responsibility until the date of that discovery in 1992 was the development of the transient digitizer used in NOVA experiments, and no UWB radar work done by Mr. McEwan or anyone else in the Laser Programs division at LLNL until after the accidental 1992 discovery of MIR.

However, LLNL/UC documents obtained by Democratic Staff indicate that funding was obtained to conduct this work in FY91, FY92 and FY93:

January, 1990: ''Impulse radar was surveyed in the library, with some papers on subsurface probing found.'' Tom McEwan's Task Progress Report.

February, 1990: ''Impulse radar range calculations were made, and related survey work continued.'' Tom McEwan's Task Progress Report.

March, 1990: ''Attended the four day ''First Los Alamos UWB Radar Conference. . . Several basic impulse radar antennas were built and pulses were propagated. . . Met with other Lab researchers on impulse radar and decided we could all be of mutual benefit.'' Tom McEwan's Task Progress Report.

April, 1990: ''Wrote an IR&D [Industrial Research and Development] proposals on impulse radar and presented the proposal to the Lucifer group.'' Tom McEwan's Task Progress Report.

May, 1990: ''A prototype solid-state pulser was built and tested. Pulse amplitude was 1.28 kV into 25m at 200ps FWHM. An annual report was written. Fast pulse/impulse radar potential users were surveyed and related proposal work took.'' Draft of Tom McEwan's Task Progress Report.

May 10, 1990: ''Mike, this is in response to your recent memo. . . . With the development of higher power avalanche diodes (10MW), we could meet virtually all future impulse radar requirements. . . . Receiver development—picosecond amplifier, detector and sampler design work using the ERD foundry. . . Licensing would be a particularly sensitive issue since to some extent all the individual elements of our pulser have been published by others and so far the technology is completely off-the-shelf. . . we probably don't have a case for a patent. . . What we have is very close to a profitable product which would normally be deemed proprietary in private industry. . . we need some time to work with the Patent Office and the technology transfer people. . .'' Memo entitled Impulse Radar R&D Proposal from Thomas E. McEwan to E. M. Campbell.

June 27, 1999: ''A recent Aviation Week article brought out another new area for fast impulses—covert and spread-spectrum communications. Apparently some outfit perfected a time-domain encoder which uses picosecond timing to convey information and is both undetectable and undecipherable with conventional gear.'' Memo entitled Avalanche Pulser Update from Thomas E. McEwan to E.M. Campbell.

June 27, 1990: ''Concerning impulse radar interest, I talked to Rick Ziolkowski of ERD's Electromagnetics Group. He said he mentioned our work to several impulse radar funding committee members in Washington, and they are very interested.'' Memo entitled Avalanche Pulser Update from Thomas E. McEwan to E.M. Campbell.

September 12, 1990: ''The objective of this project is to create a unique capability at LLNL in ultra-wideband time domain imaging radar. . . FY '91 efforts will result in a demonstration of imaging with time domain radar. . . This is an opportunity to generate new programs in a growing technology. . .'' Internal funding proposal entitled ''Ultra-Wideband Time Domain Imaging Radar,'' Thomas McEwan and David Christie.[42]

February 28, 1991: A presentation by Thomas McEwan to General Motors entitled ''Ultra-Short Pulse Radar Proximity Sensor'' described a device that was ''Low cost, <$10 projected, Low power (1 microwatt) spread spectrum operation, small size & low cost, Environmental, safety and FCC approval should be assured'' whose applications were the same as those claimed by what would become known as MIR technology to be: ''position sensing, fluid levels, trunk lid position, side & rear obstacle detection, smart highway vehicle spacing, motion sensing, wheel motion, security alarm, and collision detection.'' Also, the presentation stated that LLNL was ''funded to develop a prototype chip,''[43] was ''building a short-pulse radar security alarm,'' and had ''most of the base technology in place.''

March 1, 1991: ''We are moving closer to making serious proposals both within the Lab and through tech. Transfer, in the area of transient digitizers and impulse radars,'' memo entitled ''Monolithic Shock Line Feasibility Study'' from Thomas McEwan to Don Meeker, also at LLNL. The memo also requested funding.

May 21, 1991: ''Vast market potential exists for these systems,'' that ''Impulse radar shows potential for future automotive sensors'' due to its ''simplicity and low cost,'' and that ''covert operation [of a spread spectrum communications system] is possible, especially if receiver has timing knowledge for multiple pulse integration.''[44] Thomas McEwan and Gregory Cooper, also of LLNL, research proposal for an internal Lab-Wide IR&D Competition entitled ''Development of a Transmit/Receive Element for New Sensor, Radar and Communications Systems.''

July 1, 1991: Thomas McEwan wrote a letter to W.R. Coggins, Commander, Naval Sea System Command, describing the UWB equipment that LLNL ''currently uses or have in design'' to include an ''ultra-low cost, compact 50ps system in design for short range mass-market applications'' in response to the Commander's June 20, 1991 request for such information.

March 19, 1992: ''A transmit/receive version will be used in a very compact ultra-wideband (UWB) radar sensor,'' ''Mass market UWB radar applications'' include ''door opener, stud detector, motion detector/security alarm,'' the proximity sensor ''antenna and electronics module fit in 1″ package,'' ''low cost, <$10 projected,'' ''Low power (1 microwatt) spread spectrum operation'' and ''FCC approval should be assured.'' Excerpts from a presentation by Thomas McEwan and Gregory Cooper, in a Laboratory Directed Research and Development (LDRD) Midyear Review[45] entitled ''Development of a Transmit/Receive Element for New Sensor, Radar and Communications Systems.''

May 1, 1992: ''Electrical pulse compression techniques developed under LDRD '92 funding[46] (short title: ''transmit Element'') provide the foundation for a new sensor technology based on the direct radiation of picosecond pulses for pulse-echo radar. The sensor is expected to have a 2M range, 2mm resolution, physical dimensions on the order of 2 cm and a cost of less than $10 . . . Signal processing enhancements will allow extremely low power operation for environmental, safety and FCC compatibility. A fully functional prototype will be built as a precursor to a miniaturized version based on custom integrated circuits. . . .'' FY 93 funding proposed entitled ''Development of a Miniature Ultra-Short Pulse Radar Sensor'' by Thomas McEwan and Gregory Cooper.

October, 1992: A LLNL viewgraph entitled ''FY93 RISE Electronics Engineering Technology Base Plan'' dated October, 1992, lists a project entitled ''Ultra wideband radar motion sensors'' with T. McEwan as the lead researcher. The proposed funding for FY93 was $70,000—which was said to equal the FY92 level.

August 28, 1992: The first known MIR Invention Disclosure by Thomas McEwan entitled ''Ultra Wideband Radar Motion Sensor'' was filed on August 28, 1992. This 30-page document states that funding had already been provided for the project. The disclosure also states that the earliest documentation of the invention was the first sketch or drawing describing it, done on August 18, 1992, only 10 days before the Invention Disclosure document was written. The first model prototype was said to have been completed 4 days later, on August 22, 1992. So, in the course of 10 days, Mr. McEwan had his idea for MIR, drew complicated circuit and block diagrams describing it, built a working prototype, analyzed operational test data and prepared a 30-page Invention Disclosure document. The disclosure states that ''no past disclosures'' of ''documents that describe the invention, that you have published or prepared for publication, or presented on the subject'' had taken place despite the February, 1991 and March, 1992 UWB radar presentations which also contained verbal and pictorial descriptions of a technology that seems extremely similar if not identical to MIR. No dated pages from laboratory notebooks are included in the Invention Disclosure submission, and no other patents or publications or references thereto are included as prior art references.

FOOTNOTES

[1] Democratic Staff would certainly agree that a Laboratory stealing the innovations of a private sector firm and passing them off as their own would raise a significant policy issue. However, given the documentation in our possession, the facts are not conclusive and we are reluctant to do more than simply recount the competing claims of both sides.

[2] In fact, one such complaint has recently been brought to the attention of Democratic Staff. Biosource, a small company with ten issued patents in a particular water purification technology, believes that LLNL/UC has patented and marketed a similar technology without citing the relevant prior art and with full knowledge of the existence of that prior art. Democratic Staff have not conducted a thorough investigation of this claim.

[3] TDC's June 19, 1997 submission to Dr. C. Bruce Tarter, Director of LLNL, entitled ''Summary of the dispute between Time Domain and Lawrence Livermore National Laboratory,'' page 11.

[4] ''Summary of the Dispute,'' page 11. The quote used by TDC on the impossibility of attending the conference without seeing Fulllerton is unattributed.

[5] Excerpts from these articles, both published in Aviation Week & Space Technology and authored by William B. Scott include: ''Larry R. Fullerton, president of Time Domain Systems, Inc., said his company has secured two patents on UWB-based communications techniques and one for a radar concept. Additional patent applications are 'in progress' in the U.S., Europe, Japan, India, Brazil and other countries, he said. These ultra-wideband techniques are applicable to covert communications, commercial/consumer products and an area security system, in addition to standard radar applications. All of these were 'reduced to practice' before he filed for patents, Fullerton said . . . Fullerton is part of a small group of researchers that has been working on UWB technologies and applications since the late 1970s.'' March 26, 1990, Vol. 132, No. 13, page 55. ''For example, Larry Fullerton, president of Time Domain Systems, Inc., built his first UWB communicator in 1976 and currently has a functioning analog breadboard system in a Huntsville, Ala., laboratory. It comprises a transmitter, receiver with cross-correlation front end, antennas, time-coding and all the necessary components and subsystems required of a military-glass UWB communications system. Fullerton recently demonstrated short-range, end-to-end transmission, reception and processing of voice information . . .'', June 4, 1990, Vol. 132, No. 23, Page 40. ''GRAPHIC: Photograph, Time Domain Systems-developed ultra-wideband or impulse communicator would find immediate applications as a covert communication device for special forces. A laboratory

demonstration system currently is being tested; Graph, Time Domain Systems President Larry Fullerton demonstrates breadboard version of a basic UWB link. Cross-correlator, lock error and modulation recovery circuit boards are at lower center.'' June 4, 1990 Vol. 132, No. 23, page 40.

[6](a) A panel convened to assess the state of UWB technology issued its report, ''Assessment of Ultra-Wideband (UWB) Technology,'' OSD/DARPA Ultra-Wideband Radar Review Panel, on July 13, 1990. The report, which examined public, private and classified work in the field, indicates that Larry Fullerton made a presentation to the panel, and that TDC was working in the UWB-related areas of Switches, Sources, Receivers, Antennas and Ranges. (b) ''The panel [the 1990 DARPA panel] listened to many proponents of and contributors to the field of Impulse Radar . . . It heard of interesting, creative work in the field by some of the principal contributors: Gerry Ross of ANRO, Roger Vickers of SRI, Larry Fullerton of Time Domain Systems, to mention some. It learned that commercially available impulse radars were doing terrain profiling, finding buried pipes and doing other jobs where the combination of good range resolution, relatively low frequency and a impulse, inexpensive systems was a clear winner for such short range applications,'' Charles A. Fowler, Chairman, DARPA UWB Radar Panel, in ''The UWB Impulse Radar Caper or Punishment of the Innocent'', IEEE AES Systems Magazine, December 1992 issue, page 3. (c) ''Other panelists included . . . Larry Fullerton of Time Domain Systems . . .'' Yale Jay Lubkin, ''illuminating the Scene with Impulse Radar,'' A&DS, September/October 1990 edition, page 15.

[7] Summary of the Dispute,'' page 12.

[8] Summary of the Dispute,'' page 15.

[9] Wideband Beam Patterns from Sparse Arrays,'' by Forrest Anderson, Consultant; Larry Fullerton, TDS; and Wynn Christensen and Bert Kortegaard, LANL, Proceedings of the First Los Alamos Symposium, March, 1990.

[10] Summary of the Dispute,'' page 12.

[11] ''Summary of the Dispute,'' page 13.

[12] There is no definitive proof that Mr. McEwan read the March 26, 1990 Aviation Week & Space Technology article—though he did read prior articles and cites the June 4, 1990 piece in his memo. The March 26, 1990 article specifically cites Fullerton for having secured two patents on UWB-based communications techniques and one for a radar concept. Additional patent applications were described as being in progress.

[13] F. Anderson, W. Christensen, L. Fullerton and B. Kortegaard, ''Ultra-wideband Beamforming in Sparse Arrays,'' IEE Proceedings II, Vol. 138, No. 4, August 4, 1991. This paper appears to be an updated version of the paper bearing the same title that was presented at the March, 1990 LANL meeting. An excerpt of this paper reads ''This research is also of importance to wideband radar. Medical ultrasound steered phase arrays use transmitted pulses consisting of from one to three cycles of a damped sinusoid, which is similar to certain ultra-wideband radar systems . . . This type of transmitted pulse is use in an impulse radar that is commercially available for geophysics applications . . . Wide-band arrays have been constructed and tested by Time Domain Systems . . .''

[14] As we understand it, this technology is an impulse generation technology. Rockwell was also, unbeknownst to LLNL, talking to TDC about using their signal processing receiver design, placing Rockwell at the crossroads of integrating LLNL and TDC technologies for the purpose of developing a landmine detection and imaging system.

[15] ''Summary of the Dispute,'' page 13.

[16] We have chosen to tell Mr. McEwan's version as much as possible, rather than the pre-masticated story LLNL/UC has offered up. Mr. McEwan, as the LLNL inventor, is the central figure and has neither the management nor political concerns to temper his message that may play a role in shaping LLNL/UC's pablum. LLNL/UC's role will be discussed in a later section.

[17] Early articles that discuss the potential ability of UWB radar to defeat stealth aircraft include ''UWB Radar Has Potential to Detect Stealth Aircraft,'' William B. Scott, and ''Radar Networks, Computing Advances Seen As Keys to Counter Stealth Technologies,'' David F. Bond, Aviation Week & Space Technology, December 4, 1989.

[18] T.E. McEwan to J.D. Kilkenny, ''Report and Commentary on the Ultra-Wideband Radar Symposium, March 12, 1990, page 1.

[19] ''Radar Target Discrimination Using Probability Theory,'' C. Ray Smith, U.S. Army Missile Command; Lloyd S. Riggs, Auburn University; and G. Larry Bretthorst, Washington University at St. Louis. This second paper references Mr. Fullerton's work, stating that ''The impulse radar used to gather the experimental data used in this simulation is briefly described in the introduction. Due to proprietary restrictions, a complete description of the system cannot be given at this time—contact Mr. Larry Fullerton for further information.''

[20] October 7, 1998 email from Mr. Thomas McEwan to Dr. Michal Freedhoff, page 5.

[21] T.E. McEwan to J.D. Kilkenny, ''Report and Commentary on the Ultra-Wideband Radar Symposium, March 12, 1990, page 6.

[22] While Mr. Fullerton was not a presenter or co-author on this paper, he is reported to have taken an active role in the discussion following the presentation from his seat in the audience. A February 2, 1998 affidavit from Mr. William B. Moorhead, consultant, states ''. . . Fullerton bluntly emphasized that he had some patents on his work . . . Similarly, I observed Larry Fullerton answer questions from his seat when another paper entitled 'Radar Target Discrimination Using Probability Theory' was being presented. It was apparent to me that he was fielding the really difficult questions . . .''

[23] T.E. McEwan to J.D. Kilkenny, ''Report and Commentary on the Ultra-Wideband Radar Symposium, March 12, 1990, page 4.

[24] T.E. McEwan to J.D. Kilkenny, ''Report and Commentary on the Ultra-Wideband Radar Symposium, March 12, 1990, page 6.

[25] March 26, 1990 Memorandum from David J. Christie to Georg F. Albrecht entitled ''First Los Alamos Symposium on Ultra-Wideband Radar,'' page 2.

[26] While some of these were specifically about the shockline technology (which would be used to generate impulse signal), as in the Rockwell negotiations discussed in the above section, others appear to be general presentations on a complete UWB radar system—not just an impulse source. For example, a February 28, 1991 presentation by Thomas McEwan to General Motors entitled ''Ultra-Short Pulse Radar Proximity Sensor'' described a device that was ''Low cost, <$10 projected, Low power (1 microwatt) spread spectrum operation, small size & low cost, Environmental, safety and FCC approval should be assured'' whose applications were the same as those claimed by what would become known as MIR technology to be: ''position sensing, fluid levels, trunk lid position, side & rear obstacle detection, smart highway vehicle spacing, motion sensing, wheel motion, security alarm, and collision detection.'' Also, the presentation stated that LLNL was ''funded to develop a prototype chip,'' was ''building a short-pulse radar security alarm,'' and had ''most of the base technology in place.'' See Appendix 2 for other citations.

[27] July 24, 1998 letter from Mr. Thomas McEwan to Mr. Ron Cochran, page 1.

[28] October 25 email from Mr. Thomas McEwan to Dr. Michal Freedhoff, page 3.

[29] October 25 email from Mr. Thomas McEwan to Dr. Michal Freedhoff, page 3.

[30] Mr. McEwan was clearly aware of Mr. Fullerton's patents by November 29, 1995, when Colonel James D. Taylor sent McEwan a draft of an article on MIR that McEwan and Taylor had agreed to co-author the previous winter. The draft article states: ''MIR provides a convenient implementation of a impulse radio link. An impulse radio system using these principles was described by Mr. Larry Fullerton in his patent descriptions for a time domain radio transmission system [25] and a spread spectrum radio transmission [26].'' James D. Taylor and Thomas E. McEwan, draft article. ''The Micropower Impulse Radar.''

[31] Chapter 2000 on Duty of Disclosure of the Manual of Patent Examining Procedure (MPEP), used as the statutory guideline by all patent examiners handling patent applications at the U.S. PTO, states that: ''All individuals covered by 37 CFR 1.56 (reproduced in MPEP §2001.01) have a duty to disclose to the Patent and Trademark Office all material information they are aware of regardless of the source of or how they become aware of the information. Materiality controls whether information must be disclosed to the Office, not the circumstances under which or the source from which the information is obtained. If material, the information must be disclosed to the Office. The duty to disclose material information extends to information such individuals are aware of prior to or at the time of filing the application or become aware of during the prosecution thereof. Such individuals may be or become aware of material information from various sources such as, for example, coworkers, trade shows, communications from or with competitors, potential infringers, or other third parties, related foreign applications (see MPEP §2001.06(a)), prior or co-pending United States patent applications (see MPEP §2001.06(b), related litigation (see MPEP §2001.06(c)) and preliminary examination searches.''

[32] Chapter 2000 on Duty of Disclosure of the Manual Patent Examining Procedure (MPEP), used as the statutory guideline by all patent examiners handling patent applications at the PTO, states that: ''While it is not appropriate to attempt to set forth procedures by which attorneys, agents, and other individuals may ensure compliance with the duty of disclosure, the items listed below are offered as examples of possible procedures which could help avoid problems with the duty of disclosure. Though compliance with these procedures may not be required, they are presented as helpful suggestions for avoiding duty of disclosure problems. 1. Many attorneys, both corporate and private, are using letters and questionnaires for applicants and others involved with the filing and prosecution of the application and checklists for themselves and applicants to ensure compliance with the duty of disclosure. The letter generally explains the duty of disclosure and what it means to the inventor and assignee. The questionnaire asks the inventor and assignee questions about—the origin of the invention and its point of departure from what was previously known and in the prior art—possible public uses and sales—prior publication, knowledge, patents, foreign patents, etc. The checklist is used by the attorney to ensure that the applicant has been informed of the duty of disclosure and that the attorney has inquired of and cited material prior art. The use of these types of aids would appear to be most helpful, though not required, in identifying prior art and may well help the attorney and the client avoid or more easily explain a potentially embarrassing and harmful ''fraud'' allegation. 2. It is desirable to ask questions about inventorship. Who is the proper inventor? Are there disputes or possible disputes about inventorship? If there are questions, call them to the attention of the Patent and Trademark Office.''

[33] Professor Donald Chisum (a nationally recognized expert on patent law whose treatise is often cited in case law), clarifies the duty of candor requirements further in ''A Review of Recent Federal Circuit Cases and a Plea for Modest Reform,'' published in 1997 by the Santa Clara Computer & High Tech. Law Journal: ''The duty of candor requires persons who are substantively involved in a prosecution to disclose only what they know. Courts decisions do not impose a duty to conduct a search of the prior art, but they caution that a person may not cultivate ignorance, that is, 'disregard numerous warnings that material information or prior art may exist, merely to avoid knowledge of that information or prior art.'' It isn't clear from this guidance whether Mr. McEwan, who had at least general knowledge of Mr. Fullerton's work, should have engaged in a more thorough effort to search for his patents. However, we would argue that the patent attorneys at LLNL/UC had a duty to go beyond the bare minimum requirements for prior art searches because of the competitiveness consequences of filing and prosecuting a patent that treads upon existing patents held by private entities. In this regard, the Laboratories should establish patent review and application processes that are so thorough and rigorous so as to be above suspicion.

[34] It is worth noting that 18 MIR patents (see appendix 3 for a list) that did not include citations of TDC's patents were prosecuted by and granted to Mr. McEwan and LLNL/UC subsequent to fall, 1995, and 19 new MIR license agreements granting rights under LLNL/UC's patents were signed. The Democratic Staff has not attempted to determine which, if any, of the MIR patents granted subsequent to November, 1995 should have included citations of TDC's patents, and the PTO has not yet been asked to reexamine any of these patents.

[35] February 9, 1999 letter from Mr. Ralph Petroff, President and CEO of TDC to Dr. Michael Freedhoff.

[36] The document contains: (1) the history of TDC's inventions and the dispute with LLNL/UC; (2) two claim—by-claim patent comparisons of TDC's patents with the MIR patents; (3) estimation of damages to TDC' (4) a proposal for a settlement agreement; and (5) documentation to substantiate their allegations.

[37] The questions included requests for: (1) detailed and specific technical differences that led LLNL/UC to state that the MIR inventions were patentably distinct from TDC's; (2) substantiations of statements made by LLNL/UC that the allegations made

by TDC were false, including all documentation surrounding the complete investigation into the matter that LLNL/UC claimed to have made; (3) information on how the First Office Action made by the PTO would, if upheld, impact the rest of the LLNL/UC MIR patent portfolio; (4) information on how LLNL/UC would respond to a Final Office Action by the PTO should it be substantially similar to the First Office Action; (5) clarifications of statements made by LLNL/UC in light of the materials in the June 19, 1997 package submitted by TDC to LLNL; (6) clarifications of statements made by LLNL/UC at a July 29, 1998 briefing with Committee Staff; and (7) export control documentation for international LLNL/UC MIR licensees.

[38] September 17, 1998 letter from Dr. C. Bruce Tarter to Congressmen Brown, Cramer and Roemer, page 1.

[39] The claims have been made by: Ultratech, a stepper company who believes that LLNL/UC illegally disclosed their intellectual property in September, 1997; Biosource, a company with ten issued patents in the area of capacitive deionization of water, who believes that LLNL/UC filed and obtained a similar patent in 1995 even though the LLNL inventor knew about Biosource's prior art; and Mr. Sanford Rose, who has been in litigation with Brookhaven National Laboratory (BNL) since 1993 because he believes he acquired an exclusive license to a cleanup technology developed by BNL that BNL later reneged on in order to further develop and commercialize the technology on its own. We have not attempted to determine the validity of these claims and cite them only to point out that the TDC dispute is not an isolated one. We believe that DOE and the Laboratories involved should take immediate steps to investigate and resolve these additional disputes in the fairest and most expeditious way possible, perhaps through the use of independent mediators.

[40] September 17, 1998 letter from Dr. C. Bruce Tarter, Director LLNL, to Congressmen Brown, Cramer and Roemer.

[41] October 25, 1998 e-mail from Mr. Thomas McEwan to Dr. Michael Freedhoff.

[42] According to Mr. Christie's recollection, the proposal was partially funded for FY 1991. However, Mr. Christie left LLNL in early 1991, and Democratic Staff have not been able to determine how much money was received or what it was used for.

[43] It is not clear whether the funding discussed in this presentation was related to the September 12, 1990 funding proposal by Christie and McEwan.

[44] Interestingly, the part of the June 4, 1990 article in *Aviation Week & Space Technology* that Mr. McEwan chose to highlight in his June 27, 1990 memo to Dr. E.M. Campbell was TDC's covert and spread spectrum UWB communications device. This article also described the patented timing system used by TDC in its UWB receiver.

[45] The fact that this was a mid-year review suggests that his project did receive funding in FY 1992.

[46] This also suggests that funding was received in FY 1992.

Mr. HAYES. Mr. Chairman, I support the amendment offered by the gentleman from New York, Mr. REYNOLDS, and appreciate his concern for the operational readiness of the 82nd Airborne Division.

The 82nd Airborne Division is the jewel in the crown of the Army, and I'm proud that this elite division makes its home at Ft. Bragg in the 8th District of North Carolina. When conflict arises in any corner of the world, it's a safe bet that the United States will call on the 82nd Airborne first to defend her interests. Since its inception in 1942 when it contributed greatly to the Allied victory of WWII, the 82nd Airborne has amassed a record of military successes unrivaled by any fighting force in the world.

To maintain the integrity of the 82nd Airborne's warfighting capability, Congress must provide them the equipment, weapons and training necessary to accomplish the many missions with which they are charged. Currently, two obsolete, non-secure hand held radios are in use by the 82nd, representing what I believe is an operational risk. As outlined in an Operational Needs Statement by the commanding officer of the XVIII Airborne Corp, Lt. General Buck Kernan, secure means of communications are a critical element of reconnaissance operations. To ensure the safety of 82nd Airborne scouts whose surveillance missions bring them in close proximity to the enemy, we must provide the our reconnaissance teams with lightweight, secure radios.

I commend my colleague's efforts to see to it that our forces have the equipment they need, and I will certainly support his amendment.

The CHAIRMAN. All time has expired.

The question is on the amendments en bloc offered by the gentleman from South Carolina (Mr. SPENCE).

The amendments en bloc were agreed to.

The CHAIRMAN. It is now in order to consider amendment No. 47 printed in House Report 106–175.

AMENDMENT NO. 47 OFFERED BY MR. WELDON OF FLORIDA

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment.

The Chairman. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B amendment No. 45 offered by Mr. WELDON of Florida:

At the end of subtitle B of title III (page 45, after line 13), insert the following new section:

SEC. 312. OPERATION AND MAINTENANCE OF AIR FORCE SPACE LAUNCH FACILITIES.

(a) ADDITIONAL AUTHORIZATION.—In addition to the funds otherwise authorized in this Act for the operation and maintenance of the space launch facilities of the Department of the Air Force, there is hereby authorized to be appropriated $7,300,000 for space launch operations at such launch facilities.

(b) CORRESPONDING REDUCTION.—The amount authorized to be appropriated in section 301(4) for operation and maintenance for the Air Force is hereby reduced by $7,300,000, to be derived from other service-wide activities.

(c) STUDY OF SPACE LAUNCH RANGES AND REQUIREMENTS.—(1) The Secretary of Defense shall conduct a study—

(A) to access anticipated military, civil, and commercial space launch requirements;

(B) to examine the technical shortcomings at the space launch ranges;

(C) to evaluate oversight arrangements at the space launch ranges; and

(D) to estimate future funding requirements for space launch ranges capable of meeting both national security space launch needs and civil and commercial space launch needs.

(2) The Secretary shall conduct the study using the Defense Science Board of the Department of Defense.

(3) Not later than February 15, 2000, the Secretary shall submit to the congressional defense committees a report containing the results of the study.

□ 1715

The CHAIRMAN. Pursuant to House Resolution 200, the gentleman from Florida (Mr. WELDON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the Cox Commission report in recommendation No. 24 recommended that it is in the national security interests of the United States that we expand our domestic launch capacity. My amendment addresses this issue. I would like to point out that we have no other proposal being put forward to address that. The Air Force in its IPT report indicated that with $7.3 million—I say million dollars, not billion dollars— you can increase the domestic launch capacity of the United States by 20 to 30 percent, a remarkable achievement with such a small amount of money. Indeed, the other body has already funded this priority in their appropriation bill.

Now, the Air Force in their unfunded priority list listed this as one of their priorities. I believe it was their fourth priority. I believe it is the responsibility of this body to decide what are the priorities. I believe that we need to ask ourselves what are we going to do to address the issue of all of these launches going overseas and going overseas particularly to China.

This amendment is very, very simple. It authorizes the $7.3 million. It additionally calls for a study to be conducted by the Secretary of Defense to look at how we are going to offer our launch ranges to these commercial users in the future years. I would encourage all of my colleagues to vote in support of this amendment if they want to do something to address this particular recommendation in the Cox Commission report. I think it is also well worth pointing out that many of the other recommendations in the Cox Commission report, which we are ultimately going to try to implement, they are going to cost millions and millions more than this recommendation. Indeed some of them will cost hundreds of millions. Some of them may actually cost billions of dollars.

Mr. Chairman, I yield 1½ minutes to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, I would like to reinforce the point that the gentleman from Florida (Mr. WELDON) just made. One of the central recommendations of the Cox-Dicks report is that we need to beef up domestic launch capacity here in the United States as a matter of national security. We have a very direct, simple opportunity to do that by investing in increased launch capacity in the Vandenberg Air Force Base in California and in the Kennedy Space Center in Florida. This amendment provides additional funding for a second shift, will increase the ability of the Kennedy Space Center and the Vandenberg Air Force Base to engage in other commercial launch capacity, exactly what is

being recommended by the Cox-Dicks report. This should be the first in a series of steps we take to directly respond to that recommendation. I urge adoption of the Weldon amendment.

Mr. WELDON of Florida. Mr. Chairman, I yield 30 seconds to the distinguished gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman for yielding me this time. If there were a national security issue that needs addressing any more important, I cannot quite understand how it could be here on the floor. This is a readiness issue and it should allow, as does Cox-Dicks, for robust, versatile and capable handling of our current demand as well as our future demand. The fact of the matter is what my colleague from Florida is proposing will add a second crew to cut the 48-hour turnaround time in half and it will result in nine additional launches in the United States that may otherwise be launched overseas. Do we want them to launch from over yonder or do we want them to launch from here?

Mr. WELDON of Florida. Mr. Chairman, I yield myself such time as I may consume. I understand that the work of this committee is very difficult, that we are operating under very tight budget constraints and priorities have to be set. But it is really the will of the People's House that sets the ultimate priorities. That is the way the Founding Fathers intended it. If you support this amendment, you will not be helping China's missile program. You will be helping immediately to expand our domestic capacity by 20 to 30 percent. You will promote more satellites being launched from U.S. soil. It is a very, very modest amount of money. I encourage all my colleagues on both sides of the aisle to support the amendment.

Mr. WELDON of Florida. Mr. Chairman, today Congress takes definitive action on addressing the recommendations in the Cox Report. My amendment addresses the issue that was the catalyst for the establishment of the Select Committee—the transfer of missile technology under the commercial satellite launch agreements.

One of the principle reasons American satellites were being launched from communist China is due to the fact that our national launch ranges (the Eastern and Western Range) could not accommodate these launches—they simply did not have the capacity. This is because our ranges are operating under a tight budget with outdated equipment and they are unable to reduce turnaround time. Turnaround time is the amount of time it takes to reconfigure the range from one launch to the next launch.

With the appropriation of $7.3 million for an additional crew at the Eastern and Western range will cut turnaround time in half. This will lead to a 20% to 30% increase in American launch capacity. This will immediately translate into 9 more launches taking place from American soil rather than from countries like China.

Providing this funding is the most important thing we can do in the short-term to reduce launches from foreign soil and keep them in the U.S. Adoption of this amendment will have a direct and immediate positive impact. This is probably the best bang we will get for our buck in addressing the issues raised in the Cox Report. This is not the long-term solution. It is a short-term action we can take today that will have a positive impact toward stemming the flow of critical technology to China.

Due to the fact that range upgrade money has been raided again and again, our ranges have fallen into disrepair. This has reduced the launch capacity of our ranges, meaning that they cannot accommodate the launch demand. Range Standardization and Automation (RSA) program was to be completed in 2003. Because of excessive diversions of these funds, RSA will not be completed until 2006.

The failure to adequately fund our ranges also means we have delayed the efficiencies we had hoped to achieve. This means the savings we had anticipated seeing because of the range upgrades is also delayed.

My amendment will help to stem the flow of American technology going overseas by ensuring that our national launch ranges are robust and capable of handling the demand of both government and non-government launches.

Unlike many other military installations, Cape Canaveral Air Station (Eastern Range) and Vandenberg Air Force Base (Western Range) provide vital, one-of-a-kind services to the United States. Nowhere else in the entire United States can military, civil, and commercial assets be launched into space.

Over the past few years, I have devoted a considerable amount of my time to issues relating to our national ranges. I cannot overemphasize how important this is for our national security interest.

My amendment also directs the Secretary of Defense, through the Defense Science Board of the Department of Defense to conduct a study of our space launch ranges and requirements and report back to the Congress by February 15, 2000.

This study is critical as the ranges' unique position requires the Air Force to manage them and make them adaptive along two tracks. The first track has been and will continue to be the development and testing of national security launch systems and assets. There are and will continue to be numerous national security payloads that will be launched from the ranges and it is imperative that we maintain these critical national security assets.

The second track—a more recent mission—includes commercial space ventures. As these dual purposes continue to mature, Congress and the Department of Defense must assess how best to operate the ranges. Specifically, we must set forth a plan for managing the ranges in a manner that best accommodates the ranges' critical role in meeting our national security needs while accommodating a growing commercial market. The study requested in my amendment would provide the Congress with additional insight on how to move forward on this matter.

I would like to address the various aspects of the ranges that the Science Board is to review under my amendment.

First (subsection A), the board is to assess anticipated military, civil, and commercial space launch requirements. This assessment will help us better understand the current and future users of the launch ranges. This study is to estimate the number of military payloads, NASA and other civil payloads as well as the number of commercial launches. This is important as we try to determine how to ensure that the range is more user friendly to all of these customers and to determine how we can best accommodate the growing demand for launch services.

Second (subsection B), my amendment directs the board to examine the technical shortcomings at the space launch ranges. This recognizes that fact that the equipment at our ranges is antiquated and has deteriorated. It is simply too old to be operated efficiently and hinders the expansion of range capacity. We must move forward with modernization in a manner that improves the ranges with interests of all parties in mind.

Third (subsection C), the study is particularly important as we seek to gain efficiencies. The Joint Base Operations and Support Contract (JBOSC) is generating significant savings for the Air Force and NASA. Also, NASA established a contract with United Space Alliance (USA) to operate the Space Shuttle program. Similar consolidations and new contractual arrangements could help the Air Force operate the ranges more efficiently and increase our domestic launch capacity. The study should examine ways that will help the Air Force reduce its long-term costs and involvement by enhancing the likelihood that some components and operations at the ranges can be commercialized, privatized, or contracted out for better management, efficiency, and range scheduling.

Finally (subsection D), the study is to assess the costs associated with being able to meet the domestic launch needs of military, civil, and commercial users at the ranges. This review should include an assessment of the costs that the military might incur if they were to upgrade the systems in order to accommodate the increased launch demands. Also, the assessment may include an assessment of the costs to the private sector and/or state agencies if they were to assume some of the operations as the ranges. The study shall examine the use of and/or procurement of government space launch assets by commercial or state launch entities. Such study should also include an assessment of the likelihood, willingness or ability of industry or a state agency to assume any operation and/or costs associated with them. In conducting this part of the study, the board should receive input from industry and state agencies that might be interested in any such contract.

Mr. Chairman and members of the Committee, I thank you for your time and attention to this matter.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. WELDON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. WELDON of Florida. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 303, noes 118, not voting 13, as follows:

[Roll No. 188]

AYES—303

Abercrombie
Aderholt
Allen
Armey
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Boehlert
Boehner
Bonilla
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chambliss
Chenoweth
Clement
Clyburn
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (IL)
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dixon
Dooley
Doolittle
Doyle
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goss
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (OK)
Manzullo
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mollohan
Moore
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Oberstar
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Pickering
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shows
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Toomey
Traficant
Udall (CO)
Visclosky
Vitter
Walden
Walsh
Waters
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—118

Ackerman
Andrews
Archer
Baker
Barrett (WI)
Bateman
Bilbray
Blagojevich
Bliley
Bonior
Borski
Boswell
Boucher
Brown (OH)
Camp
Capuano
Chabot
Coble
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (VA)
DeGette
Dickey
Dingell
Doggett
Dreier
Duncan
Dunn
Ewing
Fossella
Frank (MA)
Franks (NJ)
Gephardt
Goode
Goodling
Gordon
Greenwood
Gutierrez
Hinchey
Horn
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kilpatrick
Kuykendall
Latham
Lee
Lipinski
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Matsui
McDermott
McInnis
McNulty
Miller, Gary
Miller, George
Minge
Mink
Moran (KS)
Moran (VA)
Neal
Nussle
Obey
Owens
Paul
Peterson (MN)
Petri
Phelps
Pickett
Pitts
Porter
Rahall
Ramstad
Rangel
Rivers
Roemer
Rogan
Roukema
Sabo
Sanchez
Sanford
Scott
Serrano
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skelton
Slaughter
Smith (WA)
Stark
Stump
Talent
Tauscher
Taylor (NC)
Thune
Tierney
Towns
Turner
Udall (NM)
Upton
Velázquez
Vento
Wamp
Watt (NC)
Weiner
Whitfield
Woolsey

NOT VOTING—13

Blunt
Bono
Brown (CA)
Clay
Clayton
Graham
Hilleary
Kasich
Lofgren
Luther
Moakley
Nadler
Olver

□ 1745

Messrs. WAMP, SMITH of Washington, SLAUGHTER, OBEY, TAYLOR of North Carolina, MORAN of Virginia, Ms. WOOLSEY, Messrs. ARCHER, SCOTT, WATT of North Carolina and Ms. DEGETTE changed their vote from ''aye'' to ''no.''

Ms. SCHAKOWSKY and Messrs. FARR of California, SPRATT, GILLMOR, EVERETT, CHAMBLISS, and SAWYER changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1745

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to explain and apologize for my absence during part of the debate on the Skelton amendment earlier today. I was involved in negotiations toward a settlement of that issue, and I was involved partly in conversations with the President, who called me and said that he would commit to us that he would submit a request for Kosovo for fiscal year 2000 in a timely manner with the funds to be used not to be taken from readiness. That, after all, was the object of our having this provision in the bill in the first place.

Having this assurance from the President and the gentleman from Missouri (Mr. SKELTON), I am prepared to accept the gentleman's amendment.

Mr. Chairman, I submit a copy of the letter from the President for the RECORD.

THE WHITE HOUSE,
Washington, June 10, 1999.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This letter responds to your inquiry concerning the funding of the Kosovo peacekeeping operations. As was set forth to you in a May 26, 1999, letter from the Director of the Office of Management and Budget, I intend to fund these operations in a manner fully consistent with maintaining the high state of military readiness we require.

We are in the early stages of a transition from a military campaign to a peacekeeping force. Clearly this will alter the pattern of funding required compared to the assumption of a continued air campaign through the end of the current fiscal year, which was the assumption underlying my FY99 emergency supplemental request.

I have asked the Secretary of Defense and the Director of the Office of Management and Budget to conduct a detailed review to reconcile the cost of current operations with the previously funded program. It is critical that my Administration maintain the flexibility which I and previous Presidents have used to deal with emerging situations. To the extent that ongoing requirements exceed an amount that could be managed without harming military readiness, I will submit a further FY00 budget request in a timely manner. I look forward to working with the Congress to ensure that these critical operations are fully funded.

Sincerely,

BILL CLINTON.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me first thank the gentleman from South Carolina (Chairman SPENCE) for his comments a few moments ago. It is true that this matter has been resolved. At least it appears to be. I want a supplemental, the gentleman from South Carolina wants a supplemental, the President will request a supplemental, and I think every Member of this chamber wants a supplemental, and that the funds for any continuation of peacekeeping should not come out of readiness in the bill we are about to pass.

I thank the gentleman for his understanding, for hearing us out, for his gentlemanly demeanor in the debate.

As a matter of fact, that goes for everyone who participated in the debate today.

Mr. Chairman, this is an excellent bill. I certainly urge the adoption of my amendment. At the end of the day I urge an overwhelming vote for the bill so we can let our troops know we really care about them.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 200, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 19 by the gentleman from Missouri (Mr. SKELTON) and Amendment No. 21 by the gentleman from Connecticut (Mr. SHAYS).

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

AMENDMENT NO. 19 OFFERED BY MR. SKELTON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Missouri (Mr. SKELTON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 270, noes 155, not voting 10, as follows:

[Roll No. 189]

AYES—270

Abercrombie
Ackerman
Allen
Andrews
Armey
Baird
Baldacci
Ballenger
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Calvert
Camp
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastert
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
Lampson
Lantos
Largent
Larson
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Shaw
Sherman
Sherwood
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—155

Aderholt
Archer
Bachus
Baker
Baldwin
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Blunt
Bonilla
Brady (TX)
Bryant
Burr
Burton
Campbell
Canady
Cannon
Chabot
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Crane
Danner
Deal
DeMint
Dickey
Doolittle
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Fossella
Frelinghuysen
Gallegly
Ganske
Gibbons
Goode
Goodlatte
Goodling
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hoekstra
Horn
Hostettler
Hulshof
Hutchinson
Istook
Jackson (IL)
Jenkins
Johnson, Sam
Jones (NC)
Kingston
Kucinich
LaHood
Latham
Lazio
Leach
Lee
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKinney
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moran (KS)
Myrick
Nethercutt
Ney
Norwood
Nussle
Oxley
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Quinn
Radanovich
Ramstad
Reynolds
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (TX)
Souder
Stark
Stearns
Stump
Sununu
Sweeney
Talent
Tauzin
Taylor (NC)
Thornberry
Thune
Tiahrt
Toomey
Vitter
Walden
Wamp
Watkins
Weldon (FL)
Whitfield
Wicker
Wilson

NOT VOTING—10

Bono
Brown (CA)
Clay
Clayton
Graham
Hilleary
Kasich
Lofgren
Luther
Olver

□ 1809

Mr. TAUZIN and Mr. SWEENEY changed their vote from ''aye'' to ''no.''

Mr. KUYKENDALL changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 200, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the other amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 21 OFFERED BY MR. SHAYS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut (Mr. SHAYS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a five-minute vote.

The vote was taken by electronic device, and there were—ayes 116, noes 307, not voting 11, as follows:

[Roll No. 190]

AYES—116

Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Bartlett
Bilbray
Blagojevich
Blumenauer
Bonior
Brown (OH)
Campbell
Cannon
Capuano
Chabot
Chenoweth
Coble
Condit
Conyers
Cook
Costello
Crane
Danner
Davis (IL)
Deal
DeFazio
Delahunt
DeMint
Duncan
Emerson
English
Eshoo
Evans
Farr
Foley
Frank (MA)
Franks (NJ)
Ganske
Gephardt
Goode
Green (TX)
Gutknecht
Hall (TX)
Hayes
Hill (MT)
Hoekstra
Hooley
Inslee
Jackson (IL)
Jefferson
Jones (NC)
Kingston
Kucinich
Lee
Lewis (GA)
Linder
Markey
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Metcalf
Miller, George
Minge
Mink
Moakley
Morella
Myrick

Nadler
Neal
Ney
Norwood
Nussle
Owens
Paul
Pelosi
Peterson (MN)
Phelps
Ramstad
Rivers
Rohrabacher
Ros-Lehtinen
Royce
Rush
Salmon
Sanders
Sanford
Schakowsky
Sensenbrenner
Serrano
Shadegg
Shays
Shimkus
Slaughter
Smith (TX)
Souder
Stabenow
Stark
Tancredo
Tauzin
Thompson (CA)
Tiahrt
Tierney
Towns
Traficant
Udall (NM)
Upton
Velázquez
Vento
Walsh
Wamp
Waxman
Weiner
Woolsey
Wu

NOES—307

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Barrett (NE)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Cardin
Carson
Castle
Chambliss
Clement
Clyburn
Coburn
Collins
Combest
Cooksey
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
Etheridge
Everett
Ewing
Fattah
Filner
Fletcher
Forbes
Ford
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Granger
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek (FL)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Napolitano
Nethercutt
Northup
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sessions
Shaw
Sherman
Sherwood
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Spence
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Toomey
Turner
Udall (CO)
Visclosky
Vitter
Walden
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Bono
Brown (CA)
Clay
Clayton
Graham
Hilleary
Kasich
Lofgren
Luther
Olver
Peterson (PA)

□ 1820

Mr. RUSH, Mrs. EMERSON and Mr. GEORGE MILLER of California changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mrs. CAPPS. Mr. Chairman, I rise in support of H.R. 1410, the National Defense Authorization Act for Fiscal Year 2000. This legislation contains several important provisions, including a much needed pay raise and revamping of the retirement system.

As Members of Congress, we have the distinct—almost sacred—responsibility to preserve our nation's security. This means ensuring that our military remains the best trained, best equipped, and most prepared in the world.

We need to provide the men and women of the armed forces, and those who have retired, with the support they need to maintain the quality of life they deserve. This is especially true at a time when military personnel are being deployed more and more frequently all over the world.

During visits to Vandenberg Air Force Base in my district and conversations with the base commander, Col. Mercer, I have heard firsthand the concerns of our men and women in the military. In particular, I have heard about some key issues—supporting an increase in military pay, improved health care coverage, and a strengthened retirement system.

H.R. 1410 provides for a 4.8% pay raise and authorizes bonuses and other incentives to retain and promote our service men and women. It will also change the unfair REDUX retirement plan in order to give retirees the choice to return to the more generous pre-REDUX system or receive a $30,000 retirement bonus.

In addition, this important legislation includes $16.8 million to continue a critical family housing initiative at Vandenberg Air Force Base. This project will replace outdated facilities with the safe, modern, and efficient family homes so important for service men and women and their families. Such projects increase morale and strengthen a sense of community in and around the base.

The legislation also includes important provisions to support the growing commercial space industry at Vandenberg. I am pleased that $3 million is included for the study, planning, and design of a universal space port at Vandenberg. And, in response to the Cox-Dicks Commission recommendation that we improve our domestic launch capacity, I am pleased that the House today approved the Weldon amendment that will increase the amount of funding for space launch operations at Vandenberg and Cape Canaveral by $7.3 million.

This bill incorporates other important recommendations offered by the Cox-Dicks Commission to safeguard our weapons facilities and national laboratories from Chinese efforts to steal U.S. military technology. It institutes new procedures to increase security at sensitive Energy Department facilities, requires the president to submit frequent reports to Congress on Chinese espionage and military activities, and establishes new guidelines to prevent the illegal transfer of technology to foreign countries during satellite launches.

We have an obligation to stand fully and completely behind all American service men and women who are putting their lives on the line. We need to do everything possible to guard and protect their safety and morale. I will always support our fighting men and women, whether in peace time or in war. I urge support for this bill.

Mr. SPENCE. Mr. Chairman, I am submitting for inclusion in the RECORD a letter from the Chairman of the Committee on Commerce, Mr. BLILEY, regarding H.R. 1401, the National Defense Authorization Act for Fiscal Year 2000. I thank Chairman BLILEY for his letter and for his decision not to seek sequential referral on several provisions that are of jurisdictional interest to the Commerce Committee.

COMMITTEE ON COMMERCE,
Washington, DC, May 24, 1999.

Hon. FLOYD SPENCE,
Chairman, Committee on Armed Services, Washington, DC.

DEAR MR. CHAIRMAN: I am following up on my correspondence of May 21, 1999 concerning H.R. 1401, the National Defense Authorization Act for Fiscal Year 2000. After consultation with the Parliamentarians, we continue to believe that several provisions of H.R. 1401, as ordered reported, may fall within the jurisdiction of the Committee on Commerce. These provisions include:

Section 321—Remediation of Asbestos and Lead-Based Paint. One reading of this provision would permit a waiver of applicable law with respect to the remediation of asbestos and lead-based paint. I am sure that that is not the legislative intent of the language, however.

Section 653—Presentation of United States Flag to retiring Members of the Uniformed Services not Previously Covered;

Section 3152—Duties of Commission. This section, as ordered reported, makes clear that the Commission on Nuclear Weapons Management formed pursuant to Section 3151 will specifically deal with environmental remediation. Such matters are traditionally within the jurisdiction of the Commerce Committee. I understand, however, that you have deleted subsection (a)(9) from this section, and therefore the Committee registers no jurisdictional objection.

Section 3165—Management of Nuclear Weapons Production Facilities and National Laboratories. As ordered reported, this section contains a number of provisions which we feel strongly fall within the Committee's Rule X jurisdiction over management of the Department of Energy. In particular, we are concerned about provisions which move functions heretofore carried out by various offices within the Department to the direct control of the Assistant Secretary for Defense Programs. We believe that this kind of wholesale reorganization of DOE functions must be considered by all of the committees of jurisdiction, including the Committee on Commerce.

However, recognizing your interest in bringing this legislation before the House expeditiously, the Commerce Committee has agreed not to seek a sequential referral of the bill based on the provisions listed above. By agreeing not to seek a sequential referral, the Commerce Committee does not waive its jurisdiction over the provisions listed above or any other provisions of the bill that may fall within its jurisdiction. The Committee's action in this regard should not be construed as any endorsement of the language at issue. In addition, the Commerce Committee reserves its right to seek conferees on any provisions within its jurisdiction which are considered in the House-Senate conference.

I request that you include this letter in the RECORD during consideration of this bill by the House.

Sincerely,

TOM BLILEY,
Chairman.

Mr. LEVIN. Mr. Chairman, genocide should never be appeased. The lesson of Kosovo is that it does not have to be. NATO has shown that it is willing and able to keep the peace in Europe. We have stopped the genocide. Now we have to return the Kosovars to their homes in security and help them rebuild their lives in this troubled land.

We should salute our men and women in uniform. We should also salute our men and women in leadership positions, both military and civilian. We should be standing here applauding with our hands, not placing handcuffs on our President and our military leaders.

I favor continued Congressional oversight. There are plenty of hurdles yet to overcome and it is time for Congress to come together and forge the policies needed to advance our goals in Kosovo. This is not the time for rearguard actions here on the Floor to make it more difficult to overcome the challenges ahead in the Balkans.

I urge my colleagues to support the Skelton amendment and to reject the Souder amendment. It is time for peacekeeping. It is time to stop the war on the President on this issue.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. NETHERCUTT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, and for other purposes, pursuant to House Resolution 200, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 365, noes 58, not voting 12, as follows:

[Roll No. 191]

AYES—365

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

NOES—58

Baldwin
Barrett (WI)
Becerra
Brown (OH)
Campbell
Capuano
Conyers
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Doggett
Eshoo
Fattah
Filner
Frank (MA)
Gutierrez
Holt
Hooley
Jackson (IL)
Jones (OH)
Kleczka
Kucinich
Lee
Lewis (GA)
Lowey
Markey
McDermott
McGovern
McKinney
Miller, George
Minge
Nadler
Oberstar
Obey
Owens
Paul
Payne

Pelosi
Peterson (MN)
Rivers
Rush
Sabo
Sanders
Schakowsky
Sensenbrenner
Serrano
Shays
Stark
Tierney
Towns
Velázquez
Vento
Waters
Weiner
Woolsey
Wu

NOT VOTING—12

Bono
Brown (CA)
Clay
Clayton
Graham
Hall (TX)
Hilleary
Kasich
Lofgren
Luther
Norwood
Olver

□ 1838

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''A bill 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.''.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SPENCE. 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. 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, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING AND FINANCIAL SERVICES TO FILE SUPPLEMENTAL REPORT ON H.R. 10, FINANCIAL SERVICES ACT OF 1999

Mr. LEACH. Mr. Speaker, I ask unanimous consent for the Committee on Banking and Financial Services to file a supplemental report to accompany H.R. 10, the Financial Services Act of 1999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1401, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000, OR TO HOUSE AMENDMENT TO TEXT OF S. 1059

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 1401, or a House amendment to the text of Senate 1059, that (1) the Clerk shall insert at the end of the title XIV, rather than at the end of the title XII, the sections inserted by the action of the Committee of the Whole in adopting amendments numbered 6, 8 and 10 of House Report 106–175; and (2) the Clerk may make corrections to section numbers, cross references, the table of contents, and punctuation and other such clerical corrections as may be necessary to reflect the actions of the House in amending the bill H.R. 1401.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 850 and H.R. 1732

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor of the following bills: H.R. 850 and H.R. 1732.

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

There was no objection.

MOTION TO ADJOURN

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Wisconsin (Mr. OBEY).

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 104, noes 302, answered ''present'' 1, not voting 27, as follows:

[Roll No. 192]

AYES—104

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Barcia
Barrett (WI)
Becerra
Bonior
Boucher
Brown (FL)
Capuano
Cardin
Clement
Clyburn
Conyers
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeLauro
Dicks
Dingell
Dixon
Doggett
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gejdenson
Gephardt
Hastings (FL)
Hill (IN)
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Kaptur
Kennedy
Kilpatrick
Kleczka
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Markey
Matsui
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moakley
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Skelton
Slaughter
Spratt
Stabenow
Stark
Stupak
Tauscher
Taylor (MS)
Thurman
Tierney
Towns
Velázquez
Vento
Visclosky
Waters
Waxman
Weiner
Weygand
Woolsey

NOES—302

Aderholt
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeGette
Delahunt
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Minge
Moore
Moran (KS)
Morella
Murtha
Myrick
Neal
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman

Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—27

Bentsen
Bono
Brown (CA)
Clay
Clayton
Cooksey
Doyle
Frost
Goss
Graham
Green (TX)
Hilleary
Jones (OH)
Kanjorski
Kasich
Kuykendall
Lofgren
Luther
Martinez
Miller, Gary
Mollohan
Nethercutt
Olver
Rangel
Shaw
Wicker
Young (FL)

□ 1859

Mr. SESSIONS changed his vote from ''aye'' to ''no.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 1905, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2000

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 190 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 190

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1905) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 306 or 401 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: page 18, line 19, through page 19, line 15. No amendment shall be in order except the amendment printed in the report of the Committee on Rules accompanying this resolution and except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate. The amendment printed in the report may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. Points of order against the amendment printed in the report for failure to comply with clause 2 of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1900

MOTION TO ADJOURN

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion to adjourn offered by the gentleman from Wisconsin (Mr. OBEY).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 96, nays 298, answered ''present'' 1, not voting 39, as follows:

[Roll No. 193]

YEAS—96

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Barrett (WI)
Becerra
Bishop
Boucher
Brown (FL)
Capuano
Cardin
Clement
Clyburn
Conyers
Coyne
Crowley
Cummings
Danner
Davis (IL)
Delahunt
DeLauro
Dicks
Dingell
Dixon
Dooley
Engel
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Gejdenson
Hastings (FL)
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jones (OH)
Kaptur
Kilpatrick
Kleczka
Lantos
Larson
Lee
Lewis (GA)
Lipinski
Lowey
Markey
Matsui
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moakley
Moran (VA)
Nadler
Napolitano
Oberstar
Obey
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Roybal-Allard
Rush
Sabo
Sawyer
Skelton
Spratt
Stark
Stupak
Tancredo
Tauscher
Taylor (MS)
Thurman
Tierney
Towns
Velázquez
Vento
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Woolsey

NAYS—298

Aderholt
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (NC)
Kanjorski
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Neal
Ney
Northup
Norwood
Nussle
Ose
Packard
Pascrell
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Schakowsky
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—39

Bentsen	Gutierrez	Olver
Boehner	Hilleary	Ortiz
Bonior	Hinojosa	Oxley
Bono	Hunter	Rangel
Brown (CA)	Johnson, Sam	Reyes
Clay	Kasich	Roukema
Clayton	Kennedy	Sanders
Cooksey	Leach	Scott
Frost	Lofgren	Shaw
Gephardt	Lucas (OK)	Stearns
Goss	Luther	Sweeney
Graham	Menendez	Whitfield
Green (TX)	Nethercutt	Wicker

□ 1921

Mr. BRADY of Pennsylvania, Ms. MCCARTHY of Missouri, Mr. HILLIARD and Mr. TAUZIN changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 1905, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2000.

The SPEAKER pro tempore (Mr. HANSEN). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), 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 190 is a structured rule that governs the consideration of H.R. 1905, the Legislative Branch appropriations bill for Fiscal Year 2000. This type of rule has become customary for legislative branch spending bills due to the controversy that often surrounds them. Last month, when the Committee on Rules held a hearing on this bill, we heard from very few Members who took issue with the provisions in the bill, but there are some unrelated issues that may disrupt today's debate. Therefore, a structured rule that ensures an orderly yet adequate debate is wholly appropriate and fair.

Under the rule, 1 hour of general debate will be equally divided between the chairman and ranking minority member of the Committee on Appropriations. The rule waives a limited number of points of order against consideration of the bill to address some minor issues related to the compensation of specific employees which fall under the Congressional Budget Act. The rule also waives points of order against some provisions of the bill for failure to comply with clause 2 of rule XXI which prohibits unauthorized or legislative provisions in a general appropriations bill.

I would like to take this opportunity to commend the gentleman from North Carolina (Mr. TAYLOR) and the Subcommittee on Legislative for their hard work to bring this legislation to the floor in a timely manner. As a testament to their good work product, only seven amendments were filed with the Committee on Rules. Of the seven, two were very similar. Both would allow Members who do not use their entire budget allowance to return any unused portion to the Treasury. The savings would then be devoted to deficit or debt reduction. This concept, which has earned broad support in the past, encourages Members of Congress to lead by example and be frugal in the use of taxpayers' dollars. The Committee on Rules encouraged the cosponsors of these amendments to combine their efforts and made in order a Camp-Roemer-Upton amendment which is printed in the Committee on Rules report. That amendment will be debatable for 20 minutes, equally divided between a proponent and an opponent and shall not be subject to amendment. Further, the rule waives points of order against the amendment for failure to comply with clause 2 of rule XXI.

Four other amendments were filed with the Committee on Rules which addressed juvenile crime and gun laws. Obviously these issues are not even remotely related to funding for the Legislative Branch. Therefore, the amendments which are not germane to the bill or appropriate in the context of this debate were not made in order under the rule, and, as my colleagues are well aware, we will have the opportunity to address Youth Violence issues next week. Under the rule, the minority will have an additional opportunity to make changes to the bill through the customary motion to recommit, with or without instructions.

The Fiscal Year 2000 Legislative Branch Appropriations bill continues our efforts which began in 1994 to scale back the Federal Government and balance the budget by cutting spending first. As reported by the Committee on Appropriations, the funding in H.R. 1905 is 6.6 percent lower than the total legislative spending provided in fiscal year 1999. The bill cuts some $135 million as well as a total of 98 positions throughout the legislative branch.

We have come a long way since the first year of the Republican majority. Since 1994 more than 4,400 positions have been eliminated; that is, 16 percent of the legislative work force, and with enactment of H.R. 1905 the House would save a total of $1.2 billion over 5 years.

However, many of my colleagues think that we should go even further than H.R. 1905 to reduce spending on the legislative branch. Therefore, I will seek to amend the rule prior to its adoption by the House to make in order an amendment that will further reduce spending on the legislative branch by $54 million. The amendment will be debatable for 20 minutes, and it will include cuts from the House's salaries and expenses as well as reductions in spending for the Architect of the Capitol, the Library of Congress and the General Accounting Office. This amendment is in line with the Speaker's updated appropriations strategy announced earlier this week which will ensure that we allocate our scarce resources in an equitable manner among our many spending priorities while abiding by the limits agreed to in the Balanced Budget Act of 1997.

It is important to keep in mind that the Legislative Branch Appropriation bill is about more than funding Members' offices and their staffs. H.R. 1905 ensures that the United States Congress runs efficiently as a professional institution, and at the same time the bill supports the Capitol Building as a tourist attraction and national landmark that plays host to thousands of visitors each year. The Legislative Branch Appropriations bill provides funding for the maintenance of the Capitol building and grounds through the Architect of the Capitol; it finances the security provided by the Capitol Police, and it ensures access to government documents through the Government Printing Office. These organizations serve the public as much as they serve the people's elected representatives.

This rule will provide for sufficient consideration of the substance of the legislation in a fair and orderly manner, and with the amendment I will offer to the rule the House will have the opportunity to vote to further reduce spending on the Legislative Branch by $54 million.

Our efforts today prove that Congress is willing to look in its own backyard and do its part to cut spending to reach our balanced budget goals. If the rest of the federal budget had been reduced at the same rate as the Legislative Branch, we would have an additional one trillion, one hundred billion dollar budget surplus.

Mr. Speaker, this is a fair rule for a reasonable Legislative Branch spending bill which continues our commitment to a smaller, smarter government that works for the American people. I urge my colleagues to support this rule and my amendment to it so that the House can move forward to debate and pass a responsible Legislative Branch Appropriations bill.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume and, I want to thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me the time.

This is a structured rule. It will allow for consideration of H.R. 1905, which is a bill that makes appropriations for the Legislative Branch for the

year 2000. As my colleague has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations.

The rule permits only one amendment. That amendment assures that any unspent funds in a Member's representational allowance will be returned to the Treasury and used to reduce the national debt. If this amendment passes, any Member who feels that his or her office allowance is too high can in essence make a cut by not spending that money. This rule will allow the House to consider funding for the operations of the House of Representatives, the Congressional Budget Office, the Architect of the Capitol, the Library of Congress and Congressional Research Service, the Government Printing Office and the General Accounting Office. The money provided in this bill funds the office of every Member of this body.

□ 1930

Each Member's office provides service to our constituents and represents their interests in Washington, and we depend on CBO and the Library of Congress and the Congressional Research Service to assist in the representational duties assigned to us by the Constitution.

The Government Printing Office does an extraordinary job by printing the bills and reports that are essential to our work and turning out the Congressional RECORD so we have a printed copy of our proceedings the day after they happen.

We also depend on the Government Accounting Office to conduct professional nonpartisan reports and analysis of issues facing the Congress, and the Architect of the Capitol ensures that this magnificent building which we are so privileged to work in is maintained, cleaned and preserved.

I would like to point out that there are a number of serious fault in this rule. One, the rule waives all points of order against all legislative provisions of the bill except for one. That provision was added by the gentleman from California (Mr. FARR) during the Committee on Appropriations markup. The Farr language requires that the Architect of the Capitol institute an effective waste recycling program and an environmentally sound and perhaps financially rewarding goal. Yet the Committee on Rules refused to waive points of order against this provision in spite of the fact that the waiver was requested by the Committee on Appropriations.

For that reason and for this amendment that we just heard about in the last 15 minutes that is going to be added, if it passes, we will urge our colleagues certainly on this side and in the whole body to defeat the previous question, and, if the previous question is defeated, there will be another amendment offered to the rule to protect the provision requiring an effective recycling program in the House.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. HORN).

Mr. HORN. Mr. Speaker, I think a lot of our colleagues know that most of us in this chamber work very hard in committee, we work on a bipartisan basis in many committees and subcommittees. I am shocked at what I have seen tonight with motions to adjourn when we still have a lot of business that needs to be done.

As I look at our Democratic friends on the other side, 103 voted for the motion to adjourn, 92 voted against the motion to adjourn and joined the unanimous majority Republican vote of 210, for a total of 302 versus 104. I would hope those 92 Democrats would send a message to the 104 on the other side. They were the half who want to go home. Almost half of them do not want to go home. They want to work with us to carry on the Nation's business.

Many know that I am not a partisan type of subcommittee Chair. During my four years as chairman, I have had full cooperation of three outstanding Democratic ranking Members. All three of them voted against the motion to adjourn. That would be typical, because they have been hard working Members in the committees. Despite that bipartisan relationship at the committee level somehow a few things can go awry on the floor.

We have heard for months that some Democrats planned to disrupt the place, so we could not get the appropriation bills through the floor process. The ones in opposition seem to feel that slowing down the process will enable them to attack this ''do-nothing'' Congress.

Well, that is just nonsense. This is a ''do'' Congress. It has done many good things. When the chips are down, a lot of the Democrats vote with us on final passage. The President signs many of those bills, into law despite a lot of antics along the way sometimes.

Mr. Speaker, I think we should get back to work and not have these motions to adjourn that just put the whole chamber behind time in the schedule. I am glad we are pursuing this appropriations bill tonight.

Mr. HALL of Ohio. Mr. Speaker, I yield 7 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, it is important that the previous speaker understand that what has been happening in this House tonight on these motions to adjourn has nothing whatsoever to do with whether any of us want to work or do not want to work. They do have everything to do with procedural fairness and treating the average Member of this House the same way the leadership is treated.

For three out of the four appropriation bills which have been brought to the floor this year, we have had the Republican leadership unilaterally rewrite committee products with no consultation with the minority party.

The first of those occurred on the original hurricane supplemental, where the leadership unilaterally decided to rewrite that bill after it had left the committee.

The second was the agriculture appropriations bill. Again, we had a bipartisan bill as it emerged from the committee. It was rewritten unilaterally by the leadership of this House, and that caused considerable problems, as you know.

We now had a third bipartisan bill, the legislative appropriations bill, and again today the House leadership unilaterally rewrote that bill, without any consultation with the minority and without any consultation with the Committee on House Administration, which has authorization jurisdiction over House accounts.

Now what we are asked to do is to approve a rule which will allow for only one amendment. The practical result of that will be that the majority whip will be protected in his 30 percent increase in his office account, other leadership Members will be protected with their increases in their office accounts, committees will be protected from significant reductions, but the rank and file Members of this House will have their office accounts frozen. That will mean that the average member will have a very difficult time providing a cost-of-living increase for their employees in their offices, even though they work just as hard as committee employees, but the committees will have no trouble providing cost-of-living increases for their staffers, and the leadership certainly will have no problem providing cost-of-living increases for their staff. That is reason number two why we have had these actions.

Thirdly, at this point this bill has become so politicized that in my view it should not be considered until we know how other branches of government are treated. This Congress has no right to be treated any better than any other branch of government, and it has no obligation to be treated worse. We should be treated precisely the same. But at this point we have no idea what is going to happen to other agencies of government, and so, until we do, in my view, we should not be considering this bill at all.

Fourthly, we have no idea what is going to happen to the American public in terms of the programs that affect them. We do know that we are going to see substantial cuts in Head Start, we

are going to see a substantial squeeze on education, we are going to see a substantial squeeze on the Environmental Protection Agency budgets, and yet the Congress itself is being treated rather modestly in this legislation. It seems to me that that is not fair to our constituents.

So, for a lot of reasons, we feel that this bill should not be before us tonight. I do not care when you bring it up, but it should not be brought up until we know how other branches of government are going to be dealt with and until we know how we are going to treat our own constituents with respect to programs that are of vital concern to them.

We will not be able to amend tonight the account of the General Accounting Office. We will not be able to amend the account for the Speaker's office or for the majority leader's office or the minority leader's office or the whip's office. We will not be able to amend the budget for the Government Printing Office, for the Congressional Budget Office or a variety of other offices on the Hill. We will only be allowed to vote on that one amendment.

Last week we had amendment after amendment on the agriculture appropriation bill. All of those accounts were subject to cuts. But under this rule tonight, very few accounts will be subject to reductions under the rule. That, to me, does not seem to be a fair way to do business.

Now, I apologize to the House because taking a stand on principle is inconveniencing Members tonight. I am sorry about that. It is also inconveniencing me personally. Yesterday was my 37th anniversary. My wife and I did not get a chance to celebrate it last night. We expected to do it tonight. My wife is not a very happy person right now, and she has every right to be unhappy. But there are some matters of principle that we need to deal with whenever they arise.

I knew the Republican leadership believed in trickle-down economics for the public. I did not know that the Republican leadership believed in trickle-down economics when it came to the House leadership versus the way they treat every other Member of the House. I find it interesting; I also find it not very healthy for the House.

So I would say again in closing, this bill should not be before us until we know how we are going to deal with other bills that affect our constituents, and it certainly should not be before us until we know how we are going to treat other departments of government. We should be treated no worse than any other branch of government and we should be treated no better, and certainly we will have no way of measuring that if this bill is brought up on this ill-advised schedule this evening.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, one of the things I think most of us respect mostly on this floor is someone that we may disagree with but fights for principle, and I know the gentleman from Wisconsin (Mr. OBEY), even though we disagree on some issues, one thing he does, he stands up for what he believes in. I respect that very, very much, and part of me understands what the gentleman is doing.

But let me give you just another side of some of our feelings. I did not know what they were doing on this particular bill. I am not in the leadership. I do not have a staff. I am just a small cog in this whole membership. But each year I turn back about 20 percent of my own office budget. I try not to put in extra newsletters, do all the things that many of the Members do, and try to turn back money to the government to set an example, yet I try and take care of my staff very well.

There are 13 appropriation bills, Mr. Speaker, and there are many of us that, when it comes down the line, things like Labor-HHS, I chaired a committee hearing for the gentleman from Illinois (Mr. PORTER). I had to shut down the hearing twice because the hearing was about children that had diseases and their only hope was Labor-HHS and medical research. I had to stop. I had so many tears coming down my eyes. I will never sit in another one of those hearings. I cannot do it.

Where we think there are some tough choices, it may be in our own accounts, it is a place where we can add money, things like medical research and Labor-HHS. The gentleman from Wisconsin (Mr. OBEY) said the other day he said he did not think we could double medical research. I would sure like to try. I think the gentleman from Wisconsin (Mr. OBEY) would too.

I think where we are taking small amounts of each committee, when you have got billions of dollars out of each one of these appropriations bills, including defense we just did for peacekeeping, then I think if we can shift over some of those amounts, and many of us feel the reason we want to get out of Kosovo is I think we are spending too much, not that that is the only reason, but spending too much money.

I would say to my friend that, yes, we do want to help Social Security and we do want to help Medicare. Education, I want to reform it, and I do want to increase medical research. I honestly do as a Member.

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

Mr. CUNNINGHAM. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Speaker, I would simply like to ask one question: If we are going to cut Members' accounts, why should the majority whip receive a 30 percent increase in his account, while the average Member of this House has his account frozen?

Mr. CUNNINGHAM. Mr. Speaker, reclaiming my time, I cannot answer that, other than with a 5 vote margin, quite often it is very, very difficult to bring Members on your side to our way of thinking, and sometimes your thinking and the whip organization that tries to bring all of this together. Granted, we do not always do that in the best way.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

□ 1945

Mr. BLUMENAUER. I thank the gentleman for yielding time to me, Mr. Speaker.

Mr. Speaker, part of why I am in Congress is because I believe that the Federal government has an opportunity to be a better partner with the rest of America to promote livable communities.

This is a very small item in the large scheme of things in the debate that is going on tonight, but I think it speaks volumes to the level of hypocrisy that goes on in Washington, D.C.

There was a provision that was inserted in the Committee on Appropriations by the gentleman from California (Mr. FARR) that would require a meaningful recycling program to be developed for the House of Representatives.

I have been stunned at what we do not do in the House. We have the worst performance of any agency in the Federal government. I have Boy Scout troops in my district that have made more money recycling cans, bottles, and Christmas trees than the House of Representatives has done in the last 3 years that I have been in Congress. There are homeless people within the sight of this Capitol that make more money in a day than the House of Representatives was able to surplus for all the tons of paper that pass through this place in the year 1997.

We are repeatedly assured that we have a recycling program. We have the funny little blue cans and cannisters, but it simply does not work. The Committee on Appropriations stepped forward to try and help encourage it in this bill.

I note that under this rule, the only provision that is not protected is this requirement that we get serious about recycling. It seems to me that we have an opportunity to lead by example, to try and promote more livable communities. This does not cost any money. In fact, if we would grow up and do what we ask the rest of America to do, it would mean tens of thousands, perhaps hundreds of thousands of dollars in terms of increased money that we make to this House, and it would save disposal costs.

A little thing? I do not understand what is going on tonight with some of this folderol. Somebody will explain it to the reporters and I can read about it

tomorrow. But I do know that it is embarrassing that we do not have a recycling program, that the House of Representatives is the worst performer in the Federal government; that we are being outperformed by homeless people and Boy Scout troops. We deserve to do better.

I would ask that people not play games with this provision, that it be not struck down under a point of order. I think that it would be an important signal for us to send to the rest of America that we are serious about promoting livable communities, and we are willing to lead by example and not be hypocritical about it.

If Members are going to do this, then for heavens sakes get rid of all the things that pretend to be recycling, throw them out. Do not have staff waste the time and money.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Speaker, a couple of different points that I want to make here.

One is that this is a very difficult process. We have a budget agreement that the President says he supports, that all of us in Congress say we support, that calls for very difficult appropriations levels, and quite bluntly, none of us are really happy with it.

We want to keep the budget caps. We are trying to stay with the budget agreement. We all go out home and say we want to save all this money for social security. But when it comes to each bill, it is always, well, we really need this, we really need that.

We have been trying to save a little bit of money in each one because a number of us strongly felt that while everybody talks about the need to stay within the budget agreement, the fact is that the money we had on the table for Labor-HHS, for Interior and Veterans, was not sufficient, and that every side was kind of doing a wink-wink and saying, well, we are trying to try to stay within the caps and within the budget agreement, knowing we were not working towards that.

Every dollar we save in this appropriations bill, the agriculture appropriations bill, is going to be able to be used for those programs that the gentleman from Wisconsin (Mr. OBEY) and others have said they are concerned about and will help us preserve social security. That is the real trade-off.

Yes, it will be difficult for Members' offices to live under a freeze, which is in effect a reduction. But we also gave each Member of Congress flexibility to move their funds around, and most Members do not even spend their full account.

Furthermore, this is another round, in my opinion, of ''pick on the majority whip.'' The plain truth of the matter is that the majority and minority are both getting the same amount of money in this. We reduced, in this agreement, the amendment that will be offered, the money going to leadership; not by a lot, but by some. This amendment does not really please anybody, but at least it moves the ball forward and reduces some funds overall.

The minority leader, the gentleman from Missouri (Mr. GEPHARDT) gets the same amount as the majority whip. He can either give it to the minority whip or do it elsewhere. The fact is that early on, for many different reasons, in the majority side the whip's office was disproportionately cut in its budget. That is why the majority is choosing to put the money in the whip's office.

The minority has the same amount of funds. What is good for one side is good for the other. We have also reduced the committee spending. We need to lead by example. Every dollar we can save in the operations that support Congress, in our own operations, in all of the many organizations here we can put into educating our children, into the health concerns raised by the gentleman from California (Mr. CUNNINGHAM), in the difference diseases. We can put it into our national defense.

That is one of the problems here. We have just seen all of our secrets in our military, offensive and defensive, potentially be at risk to China. At the same time, unless we spend more money in defense, we are completely vulnerable. If we spend more money there, it squeezes elsewhere.

I believe this amount of sacrifice is minimal on our parts, and it is courageous, because normally Congress does not allow any amendment on the leg branch. I think there should be more, but normally we do not allow any. Tonight we are taking a very important step that no other Congress has done.

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

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, do we really want to take care of ourselves first before the rest of the country? This is the bill that takes care of us, of our internal operations. When we finish with this, 97 percent of the appropriations process is still undone. Legislative branch may be the first appropriations bill. It could be the only appropriations bill enacted.

Do we really want that? Do we really want to be increasing the majority whip's organization by 35 percent when we cut Head Start by 20 percent, when we cut Meals on Wheels for the elderly by 20 percent? Is that really the situation that we want to present to our constituents?

If in fact we are going to increase House operations, is it really appropriate to be putting the money into the leadership offices, into the committee offices, as deserving as they may be, when we know that the people who are most underpaid are the people who work directly for us for our constituents, the people who answer constituent letters, the people who deal with constituent problems, the people who are out face-to-face with the people we represent?

They are the most underpaid of all of the people that work within this organization. We can show the Members the statistics. Yet, their allocation is frozen so that we can provide the money for the leadership, for the whip's operation, primarily. If I am wrong, if the gentleman from Indiana (Mr. SOUDER) can tell me that the office of the gentleman from Texas (Mr. DELAY) does not get a 35 percent increase in this budget. I would be more than happy for that to be explained on the floor.

My understanding is that the gentleman from Texas (Mr. DELAY) does get 35 percent.

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

Mr. MORAN of Virginia. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Speaker, the whip's office took a $300,000 cut the first year the majority took over because of differences internally. This will put them, inflation-adjusted, about where they would have been. The minority is actually getting more than the gentleman from Texas (Mr. DELAY), but it goes to the gentleman from Missouri (Mr. GEPHARDT).

Mr. MORAN of Virginia. Would the knowledgeable gentleman from Indiana tell us on the floor how much the whip's organization is funded, and how many personnel work for the gentleman from Texas (Mr. DELAY)?

Mr. SOUDER. This I think would put them roughly at $1.4 million. It was at roughly $1.3 million in 1994 when the Democrats were in. That is not much of an increase in the whip operation.

Furthermore, the Democrats are getting more money for the leader's office than the Republicans.

Mr. MORAN of Virginia. I would ask the gentleman, Mr. Speaker, is it not correct that the operation of the gentleman from Texas (Mr. DELAY) will get a 35 percent increase in this legislative branch appropriations bill?

Mr. SOUDER. It is because they took a 35 percent cut earlier.

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

Mr. MORAN of Virginia. I yield to the gentleman from Wisconsin.

Mr. OBEY. To put that in context, when the majority took over, they promised that every agency in the Congress was going to have had a 25 percent cut.

Mr. MORAN of Virginia. I appreciate the gentleman putting that information on the RECORD.

The fact is that all of us, we are going to have to tell our staffs that we have to swallow a cost of living increase, which means that we are going

to probably have to make cuts across-the-board.

This bill freezes what we are going to be allocated for our personal staffs. I do not think that is what we want to do, and I do not think this is the proper allocation of very limited resources that are available to us.

I do not think we want this bill to be the first and perhaps the only appropriations bill that actually gets enacted. I think we ought to be taking care of Health and Human Services first; of State, Justice, Commerce.

FBI gets a 10 percent cut. Do we really want to deal with that when we have already provided significant increases for the leadership of this body? I do not think so. I do not think this shows that our priorities are in the right place.

Mr. Speaker, I would urge a no vote on the rule.

Ms. PRYCE of Ohio. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Speaker, I rise today in opposition to this rule. I do so because the Committee on Rules specifically singled out one little provision in the bill and subjected it to elimination. The whole rest of the bill is safe. Any points of order against any problems in this bill are waived, except for one, just one. It is about whether this House ought to recycle.

The Committee on Rules arbitrarily and with little regard simply waved their hand and said, no, the House will not recycle. This is what the effect of the rule is: We cannot adopt a mandatory recycling program.

There is no recognition that the House already has a recycling program, and that it did not work. There is no recognition that the Committee on Appropriations accepted this language, and they accepted this language because they realized that it did not work, and they accepted this language in a bipartisan way because they realized that this is one part of the bill where we can make some money.

The debate here tonight is about how we cut the costs. This is the one part of the bill that allows us to earn something for the trash that we produce. There is no recognition that everyone else in America has to recycle except the House of Representatives.

What is so hard about recycling? What is so threatening about recycling, that this body has to strike it from this bill? What is it about recycling that scares the majority party about separating paper waste? You would think we were trying to talk about a tax increase, the way they are reacting on it.

All we are asking is to recycle trash so that the House can conserve resources, reduce costs, and earn some money. The language in question says that the money earned, that the money earned from this will go to help underwrite the activities and operations of the House day care center.

So by leaving this language exposed, we not only admit our reluctance to recycling, we deny our children access to better quality care. The rule stinks, and I ask for a no vote.

Mr. HALL of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. ROEMER).

(Mr. ROEMER asked and was given permission to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, Will Rogers once said, you can be moving on the right track, but if you are not moving fast enough, you are going to get run over.

The budget process right now is such that we have a badly biased budget process that is headed for a train wreck, and that train wreck is going to crash into our children. The education and labor bill that we are going to eventually take up in this body I hope, if we can get to it, is about $12 billion shortfunded, $12 billion. That is not my particular figure, that is the figure of the Republican chairman, the gentleman from Illinois (Mr. PORTER).

Why is that important? Why should we try to handle this budget process now, rather than wait for this train wreck for our children later? That particular subcommittee funds NIH, health care, grants to help with Alzheimer's and Parkinson's and breast cancer.

That particular $12 billion underfunded bill funds Head Start, where we only have 36 percent of our eligible children enrolled.

□ 2000

That bill funds Pell Grants to get our Nation's high school students into college and help them pay for it. That bill funds TRIO programs for the poorest of the poor for after-school programs and summer school programs.

Now, why is that important if it is not important for very obvious reasons for education? Well, we have got a juvenile justice bill coming up next week. We have got gun provisions on that particular bill.

Now, that gun provision will not be in my first three or four immediate solutions to the shooting in Littleton. I think families are important, media, violence, school safety.

School safety. What about TRIO programs? What about Head Start for our young people? That is the program in Labor HHS that is $12 billion underfunded.

My good friend, the gentleman from Indiana (Mr. SOUDER), I think makes some good points. He wants to put some more into defense. He wants to make some cuts. Well, we have cut $102 million from the agriculture appropriations bill, $54 million from this bill. My figures give that $156 towards a $12 billion shortfall. Whether one wants to put it into defense or education, let us get to it. Let us have the debate now.

I try to work as much as anybody with the Republicans, and I thank the Committee on Rules for the rule for my amendment with the gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. UPTON) to return money that we do not spend. I have approached $1 million that I have not spent in my office account. That is a decision I made.

I voted for the agriculture appropriations bill even though it took a $102 million hit, even though my farmers are at depressionary prices in the Midwest on hog, wheat, corn prices. But let us work in a bipartisan way to solve this education problem.

Let us fix the budgetary problem now and not shut down government later. Let us fix the budgetary process now and not let this train wreck hit our children later.

Let us work together across the aisle to try to fix this process and not do it piecemeal on this legislative branch bill on a Thursday night and let this train wreck happen. We have a juvenile justice bill coming up. We have an education bill with NIH and Head Start and preschool programs. Let us fix the budgetary process.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Indiana (Mr. ROEMER), whose amendment was made in order by the Committee on Rules, is absolutely right. Dollars are short, and that is one reason that the amendment to cut the $54 million out of our own account should be approved by this body so that we can make that apply across the board, down the line further when we do not have the dollars for Labor HHS and some of the other very important priorities of this Congress. So I urge us to adopt that amendment.

Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I know the hour is getting late, and we have had a lot of votes, not only tonight, but earlier nights as well.

I want to take this opportunity to congratulate the gentleman from Wisconsin (Mr. OBEY), my friend and colleague on the other side of the aisle in celebration of his 37th anniversary. I would like to note that we are circulating a card, and all Members can sign this to my friend, the gentleman from Wisconsin (Mr. OBEY) to congratulate him and his wife, Joan. We are glad that he is here tonight, and we hope to get him back soon.

Mr. HALL of Ohio. Mr. Speaker, I yield 6 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I suppose I could wax eloquent about the 37 years that Joan has put up with the gentleman from Wisconsin (Mr. OBEY), but

I will refrain from that and simply say that those of us who have the opportunity to serve with him and know Joan know them to be one of the most loving, caring couples that we know. We join the gentleman from Michigan (Mr. UPTON) in congratulating them on their 37 years.

Mr. Speaker, I rise in opposition to this rule and in opposition to this bill. I say to my colleagues in the majority, I do not know in whom you are repositing responsibility, but I do know this: There has been a lot of talk about working together. There has been a lot of talk about a family-friendly Congress.

We went to Hershey, Pennsylvania, to talk about working together. That was apparently an objective of the majority. Well, I happen to serve on the Subcommittee on Legislative, which is chaired by the gentleman from North Carolina (Mr. TAYLOR). I do not suppose there is anybody on the other side of the aisle that believes that the gentleman from North Carolina (Mr. TAYLOR) is a profligate spender. Is there?

Apparently not.

The gentleman from North Carolina (Chairman TAYLOR) looked at this bill and I presume made a judgment, a judgment as to what this institution needed to run responsibly. In that process, of course we adopted a budget that was promulgated by the Republicans, the budget of the gentleman from Ohio (Mr. KASICH) and his Senate counterpart.

Now, very frankly, I voted against that budget. My belief is there are an awful lot of people who voted for that budget who know it will not work and know it is going to crash, period, paragraph, 30.

Now we pursue a charade, and that charade is that we are going to nickel-and-dime. This entire bill is four-tenths of a percent of the discretionary spending that the appropriators will spend pursuant to the budget resolution.

There is no Budget Act point of order that would lie against this bill. Why? Because it is within the budget resolution. This is not something that we went outside the constraints of the budget resolution and the 302(b) allocations to our committee. We are within the allocation.

But there is now this pretense that somehow we are going to save education. We are going to put $2 billion, that is what the chairman of our subcommittee wants to do, the gentleman from Illinois (Mr. PORTER), 2 billion extra dollars in NIH by somehow reconfiguring these figures at the last minute.

The gentleman from North Carolina and I do not always agree, but I will tell my colleagues this, the gentleman from North Carolina (Mr. TAYLOR) sat down with the gentleman from Arizona (Mr. PASTOR), the ranking member on our subcommittee, in a bipartisan fashion and said, how do we make this bill work?

Guess what, Mr. Speaker, their bill passed out of our subcommittee unanimously. Then it went to full committee. In a bipartisan fashion, the gentleman from Florida (Mr. YOUNG) conducted the debate. The gentleman from Wisconsin (Mr. OBEY) made his comments, the gentleman from Arizona (Mr. PASTOR) and the gentleman from North Carolina (Mr. TAYLOR) made their comments, and it passed by voice vote unanimously out of the committee.

This was not a bill that had great controversy to it. But then, as I said the other day on this floor, that happened on the agriculture bill. All of a sudden, arising from the bosom of the Republican Conference came a hue cry, ''This is not enough''; and without any consultation with our side of the aisle at all, totally destroyed the bipartisanship that had created a consensus on this legislation.

We are confronted with these amendments which, yes, do undermine the ability of Members, in my opinion, to represent appropriately their constituents and to recognize the effort of our employees.

This will not save education, which, as the gentleman from Indiana (Mr. ROEMER) pointed out, is $12 billion under what my colleagues say we need, what the chairman says we need, not us on our side of the aisle, but what my chairman says is necessary to fund adequately education and health care in the Labor HHS bill.

Mr. Speaker, this is, as I said earlier, a charade to serve some rhetorical argument about fiscal responsibility while, at the same time we say we want to save education, we in fact underfund education.

This is very early in the process. This is an extraordinarily easy proposal to make. But the hour will come when the proposals will not be so easy, the rhetoric will not be so symbolic, and when the consequences will be much more severe. Let us reject this rule.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Ohio (Mr. HALL) has 1½ minutes remaining. The gentlewoman from Ohio has 14½ minutes remaining.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 30 seconds to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Chairman, I rise in support of the rule, but just want to express tremendous reservation that this House that passed the congressional accountability bill to get Congress under all the laws we impose on the rest of the Nation would not shield the requirement that the House have mandatory recycling.

I think it is a terrible mistake that this House, this Congress, is not setting the example for the rest of the country; and I hope that we resolve this issue quickly, given it will probably be declared out of order in the bill itself.

Mr. HALL of Ohio. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I would simply say, if the majority party leadership wants to save $50 million, all they have to do is to sit down with us and ask us to participate in shaping that cut so that it could be fair and balanced and real.

I would urge them, do not unilaterally take actions that belie their claim to want bipartisanship and do not play games with rank and file Members and squeeze their budgets while insulating the power centers of this body.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Speaker, I do have great respect for the gentleman from Wisconsin (Mr. OBEY). I do believe he is a man of principle. But I think that the reason we are at this position is that there is a bigger principle, and the bigger principle, in 1997, this Congress and the President of the United States agreed to spend a certain amount of money; and this is the year that the hard, tough cuts come in that.

Now, for many years, Congresses have said, we will make a deal and wink, and we know 2 or 3 years down the road we are not going to honor that deal. Well, we have a new dilemma before us, and the new dilemma before us is every penny that we spend above that agreement we take from the seniors in this country, we take from the working men and women in this country, and we take from the children who are going to work, because every one of those dollars is going to be stolen from Social Security.

Now, in Oklahoma, we think $54 million is a whole lot of money. We think $54 million added to Labor HHS might make the difference in somebody's life. I am sorry that the people on the other side do not think that that is a significant sum. But I would tell you that $54 million will make a difference. It is money that we are not going to spend now so that we will have it available to take care of those people in this country that are depending on us.

We claim a surplus. The only surplus we have is the excess of the payments that are coming into the Treasury over the Social Security payments that are going out. It is not our money to spend. We have an absolute obligation to make every effort to try to live up to the agreement between the Congress of the United States and the President that we made in 1997.

It is unfortunate that it is happening this way, but the fact is that every senior out there believes that we should not touch their Social Security money.

Most people who are paying 12.5 percent FICA believe we should not be touching their Social Security money. The children that are coming up are either going to have to pay 25 percent FICA or they are not going to have any Social Security.

So we can say this is a partisan debate. What the real debate is is whether or not we can lead by example.

Now, the average Member of Congress has $1.5 million, almost $1.6 million, to spend a year; and that is more than enough to adequately represent our districts.

I noticed that the two gentlemen that I have great respect for, who really made a statement that that was not enough, happened to represent the bureaucracy in Washington. $1.6 million to employ somewhere between 18 and 22 people and adequately represent that constituency is far greater than what we need.

□ 2015

But that is where we are. We can live within that budget. If we cannot live within that budget, then we ought to have a better understanding of what the Social Security recipients out there are doing when they get a COLA of 1.3 percent.

So the real principle is, if we have been elected to represent a group of people in this Congress, the least we can do is lead by example in our own offices. We do not have to pay high rents in our own offices. We can find something less. There will not be one person who does not get an increase that is earned by us freezing our Members' representational allowance.

I would ask the Members of this body to support this rule. We are spending adequate amounts on the legislative branch. And let us lead by example and let us save the money for the Labor-HHS that is coming up later.

Mr. HALL of Ohio. Mr. Speaker, I yield myself the balance of my time and would just say that I would urge my colleagues to defeat the previous question. If the previous question is defeated, we will offer an amendment to the rule that extends waivers provided in this rule to language in the bill which requires an effective recycling program in the House.

Furthermore, if the amendment to the rule is approved, we will oppose the rule. We are taking up a major change in the rule. Our side received almost no advanced notice. Occasionally we pass a technical amendment to a rule, once in a while it is substantive, but in the past, as long as I have been on the Committee on Rules, we have always had consultation and we have always had an agreement with the minority. This is the first time I can remember that we have passed a rule like this.

For these reasons we will oppose the rule and certainly ask for a vote on the previous question.

Mr. Speaker, I submit for the RECORD the text of the amendment we will offer if the previous question is defeated:

On page 2, line 12, strike ''except'' and all that follows through ''15'' on page 13.

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

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. PRYCE OF OHIO

Ms. PRYCE of Ohio. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Ms. PRYCE of Ohio:

Strike all after the resolved clause and insert in lieu thereof the following:

''That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1905) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 306 or 401 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: page 18, line 19, through page 19, line 15. No amendment shall be in order except the amendment printed in House Report 106–165, the amendment printed in section 2 of this resolution, and pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate. The amendment printed in the report may be offered only by a Member designated in the report, and the amendment printed in section 2 may be offered only by a Member designated in section 2. Each amendment shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points or order against the amendment printed in the report and the amendment printed in section 2 are waived. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. After a motion that the Committee rise has been rejected on a legislative day, the Chairman may entertain another such motion on that day only if offered by the chairman of the Committee on Appropriations or the Majority Leader or their designee. After a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII) has been rejected, the Chairman may not entertain another such motion during further consideration of the bill. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

''Sec. 2. (a) The amendment described in the first section of this resolution is as follows:

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

On Page 38 before line 4 add the following new section:

SEC. . Notwithstanding any other provision of this Act, appropriations under this Act for the following agencies and activities are reduced by the following respective amounts: House of Representatives, Salaries and Expenses, $29,135,000, from which the following accounts are to be reduced by the following amounts:

House Leadership Offices, $142,000;

Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail, $28,297,000;

Committee on Appropriations, $213,000;

Salaries, Officers and Employees, $483,000 to be derived from other authorized employees;

Architect of the Capitol, Capitol Buildings and Grounds, Capitol Buildings, Salaries and Expenses, $1,465,000;

Architect of the Capitol, Capitol Buildings and Grounds, House Office Buildings, $3,400,000;

Architect of the Capitol, Capitol Buildings and Grounds, Capitol Power Plant, $4,400,000;

Libary of Congress, Congressional Research Service, Salaries and Expenses, $315,000;

Government Printing Office, Congressional Printing and Binding, $4,127,000;

Library of Congress, Salaries and Expenses, $685,000;

Library of Congress, Furniture and Furnishings, $5,415,000;

Architect of the Capitol, Library Buildings and Grounds, Structural and Mechanical Care, $4,372,000; and

General Accounting Office, Salaries and Expenses, $1,500,000: *Provided*, That the amount reduced under House of Representatives, House Leadership Offices, shall be distributed among the various leadership offices as approved by the Committee on Appropriations: *Provided further*, That the amount to remain available under the heading Architect of the Capitol, Capitol Buildings and Grounds, Capitol Buildings, Salaries and Expenses, is reduced by $1,465,000; the amount to remain available under the heading Architect of the Capitol, Capitol Buildings and Grounds, House Office Buildings, is reduced by $3,400,000; and the amount to remain available under the heading Architect of the Capitol, Library Buildings and Grounds, Structural and Mechanical Care, is reduced by $4,000,000.

(b) The amendment printed in subsection (a) may be offered only by Representative YOUNG of Florida or his designee.''.

Ms. PRYCE of Ohio. Mr. Speaker, this amendment will provide for consideration of another amendment which would cut $54 million in legislative spending. The gentleman from Florida (Mr. YOUNG) or his designee

will offer the amendment and it will be debatable for 20 minutes. In addition, the amendment prevents further dilatory tactics during consideration of H.R. 1905 so that we can finish tonight.

Ms. PRYCE of Ohio. Mr. Speaker, I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore (Mr. HANSEN). The question is on ordering the previous question on the amendment and on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 213, nays 198, not voting 23, as follows:

[Roll No. 194]

YEAS—213

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Obey
Ose
Packard
Paul
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—198

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—23

Bass
Bentsen
Bono
Brown (CA)
Clay
Conyers
Cooksey
Engel
Frelinghuysen
Graham
Green (TX)
Hilleary
Hunter
Kasich
Largent
Lofgren
Luther
Nethercutt
Oxley
Payne
Petri
Rangel
Smith (NJ)

□ 2045

Messrs. NADLER, JOHN, and MARTINEZ changed their vote from ''yea'' to ''nay.''

Messrs. LEWIS of California, COX, ARMEY, and Mrs. JOHNSON of Connecticut changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I move to reconsider the vote by which the previous question was ordered.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion to reconsider the vote offered by the gentleman from Wisconsin (Mr. OBEY).

MOTION TO TABLE OFFERED BY MS. PRYCE OF OHIO

Ms. PRYCE of Ohio. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion to lay on the table the motion to reconsider offered by the gentlewoman from Ohio (Ms. PRYCE).

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 194, not voting 23, as follows:

[Roll No. 195]

AYES—218

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Isakson
Istook
Jenkins
Johnson (CT)

Johnson, Sam
Jones (NC)
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—194

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—23

Bentsen
Bono
Brown (CA)
Clay
Conyers
Cooksey
Engel
Gephardt
Graham
Green (TX)
Hilleary
Hunter
Hyde
Kasich
Largent
Lofgren
Luther
Nethercutt
Oxley
Rangel
Scarborough
Stark
Wexler

□ 2053

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the amendment in the nature of a substitute offered by the gentlewoman from Ohio (Ms. PRYCE).

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 182, not voting 20, as follows:

[Roll No. 196]

AYES—232

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Holt
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Obey
Ose
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—182

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)

Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—20

Bentsen
Bono
Brown (CA)
Clay
Conyers
Cooksey
Engel
Gephardt
Graham
Green (TX)
Hilleary
Houghton
Kasich
Largent
Lofgren
Luther
Neal
Nethercutt
Oxley
Rangel

□ 2102

So the amendment in the nature of a substitute was agreed to.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER THE VOTE OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I move to reconsider the vote by which the amendment was just adopted.

MOTION TO TABLE OFFERED BY MS. PRYCE OF OHIO

Ms. PRYCE of Ohio. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion offered by the gentlewoman from Ohio (Ms. PRYCE) to lay on the table the motion to reconsider offered by the gentleman from Wisconsin (Mr. OBEY).

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 230, noes 180, not voting 24, as follows:

[Roll No. 197]

AYES—230

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Holt
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—180

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Reyes
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Wu
Wynn

NOT VOTING—24

Bentsen
Berman
Bono
Brown (CA)
Clay
Conyers
Cooksey
Crowley
Engel
Gephardt
Graham
Green (TX)
Hilleary
Kasich
Largent
Lofgren
Luther
Neal
Nethercutt
Oxley
Rahall
Rangel
Weygand
Woolsey

□ 2109

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 194, not voting 25, as follows:

[Roll No. 198]

AYES—216

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kelly
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary

Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Obey
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—194

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Maloney (CT)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOT VOTING—25

Bentsen
Blumenauer
Bono
Brown (CA)
Clay
Conyers
Cooksey
Engel
Graham
Green (TX)
Hilleary
Johnson (CT)
Kasich
Largent
Lofgren
Luther
Maloney (NY)
McDermott
Neal
Nethercutt
Oxley
Porter
Rahall
Rangel
Weygand

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 2116

MOTION TO RECONSIDER OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I move to reconsider the vote by which the resolution was adopted.

MOTION TO TABLE OFFERED BY MS. PRYCE OF OHIO

Ms. PRYCE of Ohio. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the motion to table offered by the gentlewoman from Ohio (Ms. PRYCE).

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5 minute vote.

The vote was taken by electronic device, and there were—ayes 218, noes 197, not voting 20, as follows:

[Roll No. 199]

AYES—218

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kelly
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—197

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)

Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—20

Bentsen
Bono
Brown (CA)
Clay
Conyers
Cooksey
Cox
Engel
Graham
Green (TX)
Hilleary
Kasich
Largent
Lofgren
Luther
Neal
Nethercutt
Oxley
Rahall
Rangel

□ 2124

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

MOTION TO ADJOURN

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Wisconsin (Mr. Obey).

PARLIAMENTARY INQUIRY

Mr. KOLBE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. KOLBE. Mr. Speaker, is the motion to adjourn in writing?

The SPEAKER pro tempore. Yes. The Clerk will report the motion.

The Clerk read as follows:

Mr. OBEY of Wisconsin moves that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Wisconsin (Mr. OBEY).

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

RECORDED VOTE

Mr. OBEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 90, noes 325, answered ''present'' 1, not voting 19, as follows:

[Roll No. 200]

AYES—90

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Barrett (WI)
Becerra
Berry
Bonior
Boucher
Brown (FL)
Capps
Capuano
Cardin
Clement
Clyburn
Coyne
Crowley
Danner
Davis (IL)
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Eshoo
Evans
Farr
Filner
Frost
Gejdenson
Gephardt
Hall (OH)
Hastings (FL)
Hinchey
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kilpatrick
Kleczka
Lantos
Lee
Levin
Lewis (GA)
Lowey
Markey
Martinez
Matsui
McDermott
McGovern
McNulty
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Mink
Moakley
Moran (VA)
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Pelosi
Peterson (MN)
Pomeroy
Roybal-Allard
Sabo
Sawyer
Skelton
Slaughter
Spratt
Stupak
Tauscher
Taylor (MS)
Thurman
Tierney
Towns
Velázquez
Vento
Waters
Waxman
Weiner

NOES—325

Aderholt
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth
Clayton
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fattah
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Napolitano
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Packard
Pascrell
Paul
Payne
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—19

Bentsen
Bono
Brown (CA)
Clay
Conyers
Cooksey
Engel
Frank (MA)
Graham
Green (TX)
Hilleary
Kasich
Largent
Lofgren
Luther
Neal
Nethercutt
Oxley
Rangel

□ 2142

Mr. ROTHMAN changed his vote from ''aye'' to ''no.''

Ms. WATERS changed her vote from ''no'' to ''aye.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 190 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1905.

□ 2141

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1905) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes, with Mr. HANSEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Arizona (Mr. PASTOR) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to present the legislative branch appropriations bill for fiscal year 2000. I want to begin by thanking the members of my subcommittee for all the hard work in writing this bill. They include the gentleman from Tennessee (Mr. WAMP); the gentleman from California (Mr. LEWIS); the gentlewoman from Texas (Ms. GRANGER); the gentleman from Pennsylvania (Mr. PETERSON); the ranking minority member, the gentleman from Arizona (Mr. PASTOR); the gentleman from Pennsylvania (Mr. MURTHA); and the gentleman from Maryland (Mr. HOYER).

□ 2145

I also want to thank the gentleman from Florida (Mr. YOUNG), the full committee chairman, and the gentleman from Wisconsin (Mr. OBEY), the ranking member on the full committee, for their assistance.

The bill was considered by the full committee on May 20 and reported to the House on May 21. No roll call votes were taken in full committee. The Fiscal Year 2000 Legislative Branch Appropriations bill totals $1.9 billion in new obligational authority of which $1.178 billion is for congressional operations exclusive of Senate items.

The balance of the bill, $739 million is for the operations of the other legislative branch agencies.

The bill, Mr. Chairman, is $116 million below the budget request, a 5.7 percent reduction. Also, it is $135 million below the current fiscal year, including the supplementals, a 6.6 percent reduction. Now, if a further amendment is passed, which I will support later tonight, it will be reduced by 9.3 percent.

Major items in the bill: The House of Representatives is funded at $769 million. Primarily, this includes funds for staff COLA's, merit increases, and benefits. There is also an increase for communications costs.

The Joint Economic Committee is funded at the request level, an increase of $104,000. The Joint Committee on Taxation is funded at $6.2 million. The attending physician is funded at $1.9 million. That is the amount requested.

The funding for the Capitol Police is $85.2 million. That includes $78.5 million for salaries and $6.7 million for expenses. The CBO is funded at $26.2 million.

The Architect of the Capitol receives $154 million. The operating budget increase of about $4 million will cover staff costs. The capital budget is lower than 1999 due to one-time costs for the Capitol Visitors Center.

Except in a few instances, funding has not been provided for projects which have not been 100 percent designed. The Architect has asked for construction funds for 39 projects that have not been designed, including phase 2 of the Dome Project.

We have several instances where the Architect's design team has significantly increased their funding requests after the original construction was funded. So a policy not to provide construction funds until design is finished will create more discipline and fiscal prudence in the process.

The Dome will not be delayed. We will still be on schedule if funds are provided in the Fiscal Year 2001 cycle.

The Congressional Research Service will receive $71.3 million, and the Library of Congress, $315 million. This provides funds for the current employment level. We have asked the Library to fund $3.4 million of requested program increases through savings.

The Government Printing Office will receive $107 million, and a limit of 3,313 FTEs has been set.

The GAO will be funded at $372 million plus authority to spend $1.4 million in receipts from audits that they do for other agencies. The GAO funds include COLAs for 3,245 FTEs, a slight decrease under the current level projected for 1999.

General administrative provisions have been included. We have also made some technical corrections asked for by the Committee on House Administration.

We have included a provision of permanent law, section 101, that gives House counsel comparable authority and notification as the Senate counsel now has.

The bill equals the subcommittee 302(b) allocations. The bill continues with constraint. The bill is substantially under our appropriations of last year, not counting the supplemental, and is substantially under the 1995 bill. I urge all Members to support the bill.

Mr. Chairman, I include the following tables for the RECORD:

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2000 (H.R. 1905)
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - CONGRESSIONAL OPERATIONS					
HOUSE OF REPRESENTATIVES					
Payments to Widows and Heirs of Deceased Members of Congress					
Gratuities, deceased Members	137			-137	
Salaries and Expenses					
House Leadership Offices					
Office of the Speaker	1,686	1,748	1,740	+54	-8
Office of the Majority Floor Leader	1,652	1,712	1,705	+53	-7
Office of the Minority Floor Leader	1,675	2,071	2,071	+396	
Office of the Majority Whip	1,043	1,423	1,423	+380	
Office of the Minority Whip	1,020	1,060	1,057	+37	-3
Speaker's Office for Legislative Floor Activities	397	410	406	+9	-4
Republican Steering Committee	738	763	757	+19	-6
Republican Conference	1,199	1,246	1,244	+45	-2
Democratic Steering and Policy Committee	1,295	1,343	1,337	+42	-6
Democratic Caucus	642	666	664	+22	-2
Nine minority employees	1,190	1,229	1,218	+28	-11
Training and Development Program:					
Majority	290	290	290		
Minority	290	290	290		
Subtotal, House Leadership Offices	13,117	14,251	14,202	+1,085	-49
Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail					
Expenses	385,279	421,403	413,576	+28,297	-7,827
Committee Employees					
Standing Committees, Special and Select (except Appropriations)	89,743	96,570	93,878	+4,135	-2,692
Committee on Appropriations (including studies and investigations)	19,373	22,255	21,308	+1,935	-947
Subtotal, Committee employees	109,116	118,825	115,186	+6,070	-3,639
Salaries, Officers and Employees					
Office of the Clerk	15,365	15,831	14,881	-484	-950
Office of the Sergeant at Arms	3,501	3,812	3,746	+245	-66
Office of the Chief Administrative Officer	63,584	60,112	57,289	-6,295	-2,823
Office of Inspector General	3,953	4,082	3,926	-27	-156
Office of General Counsel	840	840	840		
Office of the Chaplain	133	137	136	+3	-1
Office of the Parliamentarian	1,106	1,172	1,172	+66	
Office of the Parliamentarian	(904)	(961)	(961)	(+57)	
Compilation of precedents of the House of Representatives	(202)	(211)	(211)	(+9)	
Office of the Law Revision Counsel of the House	1,912	2,045	2,045	+133	
Office of the Legislative Counsel of the House	4,980	5,085	5,085	+105	
Corrections Calendar Office	799	829	825	+26	-4
Other authorized employees	191	688	688	+497	
Former Speakers		(483)	(483)	(+483)	
Technical Assistants, Office of the Attending Physician	(191)	(205)	(205)	(+14)	
Subtotal, Salaries, Officers and Employees	96,364	94,633	90,633	-5,731	-4,000
Allowances and Expenses					
Supplies, materials, administrative costs and Federal tort claims	2,575	2,655	2,741	+166	+86
Official mail for committees, leadership offices, and administrative offices of the House	410	410	410		
Government contributions	132,832	132,333	131,595	-1,237	-738
Miscellaneous items	651	676	676	+25	
Subtotal, Allowances and expenses	136,468	136,074	135,422	-1,046	-652
Total, salaries and expenses	740,344	785,186	769,019	+28,675	-16,167
Total, House of Representatives	740,481	785,186	769,019	+28,538	-16,167
JOINT ITEMS					
Joint Economic Committee	3,096	3,200	3,200	+104	
Joint Committee on Printing	352			-352	
Joint Committee on Taxation	5,965	6,256	6,188	+223	-68
Trade Deficit Review Commission	2,000			-2,000	
Office of the Attending Physician					
Medical supplies, equipment, expenses, & allowances	1,415	1,898	1,898	+483	

LEGISLATIVE BRANCH APPROPRIATIONS BILL, 2000 (H.R. 1905)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
Capitol Police Board					
Capitol Police					
Salaries:					
Sergeant at Arms of the House of Representatives	37,037	38,847	37,725	+688	-1,122
Sergeant at Arms and Doorkeeper of the Senate	39,807	42,350	40,776	+969	-1,574
Subtotal, salaries	76,844	81,197	78,501	+1,657	-2,696
General expenses	113,019	8,990	6,711	-106,308	-2,279
Subtotal, Capitol Police	189,863	90,187	85,212	-104,651	-4,975
Capitol Guide Service and Special Services Office	2,195	2,424	2,293	+98	-131
Statements of Appropriations	30	30	30	.....	.....
Total, Joint items	204,916	103,995	98,821	-106,095	-5,174
OFFICE OF COMPLIANCE					
Salaries and expenses	2,086	2,076	2,000	-86	-76
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	25,671	26,821	26,221	+550	-600
ARCHITECT OF THE CAPITOL					
Capitol Buildings and Grounds					
Capitol buildings, salaries and expenses	143,683	87,581	47,569	-96,114	-40,012
Capitol grounds	6,046	5,993	5,579	-467	-414
House office buildings	47,699	53,389	40,679	-7,020	-12,710
Capitol Power Plant	42,174	49,075	43,180	+1,006	-5,895
Offsetting collections	-4,000	-4,000	-4,000	.....	.....
Net subtotal, Capitol Power Plant	38,174	45,075	39,180	+1,006	-5,895
Total, Architect of the Capitol	235,602	192,038	133,007	-102,595	-59,031
LIBRARY OF CONGRESS					
Congressional Research Service					
Salaries and expenses	67,124	71,255	71,255	+4,131	.....
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	74,465	82,214	77,704	+3,239	-4,510
Total, title I, Congressional Operations	1,350,345	1,263,585	1,178,027	-172,318	-85,558
TITLE II - OTHER AGENCIES					
BOTANIC GARDEN					
Salaries and expenses	3,052	3,972	3,538	+486	-434
LIBRARY OF CONGRESS					
Salaries and expenses	238,373	254,013	256,970	+18,597	+2,957
Authority to spend receipts	-6,850	-6,850	-6,850	.....	.....
Net subtotal, Salaries and expenses	231,523	247,163	250,120	+18,597	+2,957
Copyright Office, salaries and expenses	34,891	37,639	37,639	+2,748	.....
Authority to spend receipts	-21,170	-26,254	-26,254	-5,084	.....
Net subtotal, Copyright Office	13,721	11,385	11,385	-2,336	.....
Books for the blind and physically handicapped, salaries and expenses	46,824	48,033	48,033	+1,209	.....
Furniture and furnishings	4,448	5,827	5,415	+967	-412
Total, Library of Congress (except CRS)	296,516	312,408	314,953	+18,437	+2,545
ARCHITECT OF THE CAPITOL					
Congressional cemetery	1,000	.....	.....	-1,000	.....
Library Buildings and Grounds					
Structural and mechanical care	12,672	19,871	17,782	+5,110	-2,089
GOVERNMENT PRINTING OFFICE					
Office of Superintendent of Documents					
Salaries and expenses	29,264	31,245	29,986	+722	-1,259
Government Printing Office Revolving Fund					
GPO revolving fund	.....	15,000	.....	.....	-15,000
Total, Government Printing Office	29,264	46,245	29,986	+722	-16,259

APPROPRIATIONS BILL, 2000 (H.R. 1905)—Continued
(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	Bill	Bill vs. Enacted	Bill vs. Request
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	361,268	388,448	374,081	+12,813	-14,367
Offsetting collections	-2,000	-1,400	-1,400	+600	
Total, General Accounting Office	359,268	387,048	372,681	+13,413	-14,367
Total, title II, Other agencies	701,772	769,544	738,940	+37,168	-30,604
Grand total	2,052,117	2,033,129	1,916,967	-135,150	-116,162
TITLE I - CONGRESSIONAL OPERATIONS					
House of Representatives	740,481	785,186	769,019	+28,538	-16,167
Joint Items	204,916	103,995	98,821	-106,095	-5,174
Office of Compliance	2,086	2,076	2,000	-86	-76
Congressional Budget Office	25,671	26,821	26,221	+550	-600
Architect of the Capitol	235,602	192,038	133,007	-102,595	-59,031
Library of Congress: Congressional Research Service	67,124	71,255	71,255	+4,131	
Congressional printing and binding, Government Printing Office	74,465	82,214	77,704	+3,239	-4,510
Total, title I, Congressional operations	1,350,345	1,263,585	1,178,027	-172,318	-85,558
TITLE II - OTHER AGENCIES					
Botanic Garden	3,052	3,972	3,538	+486	-434
Library of Congress (except CRS)	296,516	312,408	314,953	+18,437	+2,545
Architect of the Capitol (Congressional Cemetery and Library buildings and grounds)	13,872	19,871	17,782	+4,110	-2,089
Government Printing Office (except congressional printing and binding)	29,264	46,245	29,986	+722	-16,259
General Accounting Office	359,268	387,048	372,681	+13,413	-14,367
Total, title II, Other agencies	701,772	769,544	738,940	+37,168	-30,604
Grand total	2,052,117	2,033,129	1,916,967	-135,150	-116,162

Mr. Chairman, it is my pleasure to present the legislative branch appropriations bill for fiscal year 2000. I want to begin by thanking the members of my subcommittee for all their hard work in writing this bill.

They include myself, as Chairman, ZACH WAMP of Tennessee; JERRY LEWIS of California; KAY GRANGER of Texas; JOHN PETERSON of Pennsylvania; and ED PASTOR, the ranking minority member from Arizona; JOHN MURTHA of Pennsylvania; and STENY HOYER from Maryland. I also want to thank the full committee chairman, BILL YOUNG of Florida; and DAVID OBEY, the full committee ranking minority member from Wisconsin, for their assistance.

The bill was considered by the full committee on May 20 and reported to the House on May 21. No rollcall votes were taken in full committee.

RECOMMENDATIONS FOR FISCAL YEAR 2000

The fiscal 2000 legislative branch appropriations bill totals $1.9 billion ($1,916,967,000) in new obligational authority of which $1.178 billion ($1,178,027,000) is for congressional operations exclusive of Senate items.

The balance of the bill, $739 million ($738,940,000), is for the operations of the other legislative branch agencies.

The bill is $116.2 million ($116,162,000) below the budget request, a 5.7% reduction.

Also, it is $135.2 million ($135,150,100) below the current fiscal year (including supplementals)—a 6.6% reduction.

MAJOR ITEMS IN THE BILL

The House of Representatives is funded at $769 million ($769,019,000).

Primarily, this includes funds for staff COLA's, merit increases, and benefits.

There is also an increase for communications costs, some of which are made necessary by the cyber Congress initiative.

The Joint Economic Committee is funded at the request level, an increase of $104,000 for committee staff COLA's.

The Joint Committee on Taxation is funded at $6.2 million ($6,188,000).

The Attending Physician's funding is $1.9 million ($1,898,000). That is the amount requested.

The funding for the Capitol Police is $85.2 million ($85,212,000). That includes $78.5 million ($78,501,000) for salaries and $6.7 million ($6,711,000) for expenses.

The Congressional Budget Office is funded at $26.2 million ($26,221,000).

The Architect of the Capitol receives $154 million ($154,327,000). The operating budget increase of $4 million ($3,973,000) will cover staff costs. The capital budget is lower than FY1999 due to one time costs for the Capitol Visitors Center.

Except in a few instances, funding has not been provided for projects which have not been 100% designed. The Architect asked for construction funds for 39 projects that have not been designed, including phase 2 of the dome project.

We have several instances where the Architect's design team has significantly increased their funding requests after the original construction funding.

So, a policy not to provide construction funds until design is finished will create more discipline and fiscal prudence in the process. The dome will not be delayed—we will still be on schedule if funds are provided in the FY 2001 cycle.

The Congressional Research Service will receive $71.3 million ($71,255,000) and the Library of Congress $315 million ($314,953,000).

This provides funds for the current employment level. We have asked the library to fund $3.4 million of requested program increases through savings.

The Government Printing Office will receive $107.7 million ($107,690,000) and a limit of 3,313 FTE's has been set.

The General Accounting Office will be funded at $372.7 million ($372,681,000) plus authority to spend $1.4 million ($1,400,000) in receipts from audits they do for other agencies.

The GAO funds include COLA's for 3,245 FTE'S, a slight decrease under the current level projected for FY 1999.

General and administrative provisions: Several standard general provisions have been included. We have also made some technical corrections asked for by the House Administration Committee.

And we have included a provision of permanent law, section 101, that gives House counsel comparable authority and notification as Senate counsel now enjoys.

Bill summary: BA compared to:

1999 level: A reduction of 6.6%, or $135.2 million—(−$135,150,000).

2000 request: A reduction of 5.7%, or $116.2 million—(−$116,162,000).

302b: The bill just equals the 302B allocation (Senate excluded).

Here are some additional interesting comparisons:

Since 1995, the legislative bill has produced savings of $1.2 billion below the trend of appropriations levels during the previous 5 years.

If all Federal outlays had been constrained at the same rate as the legislative budget, the entire Federal budget would have produced a cumulative additional surplus beyond those currently projected of $1.1 trillion during these past 5 years.

Since 1994, the legislative branch has downsized by 4,412 employees. That is a 16% reduction.

The bill continues that constraint, but it will provide the Congress and our support agencies the resources needed to carry out our jobs.

I urge all Members to support the bill and I reserve the balance of my time.

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

Mr. PASTOR. Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. OBEY) for the purpose of a motion.

MOTION TO RISE OFFERED BY MR. OBEY

Mr OBEY. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN. The motion during general debate is in order because the minority manager yielded for that purpose. The question is on the motion to rise offered by the gentleman from Wisconsin (Mr. Obey).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 130, noes 263, answered ''present'' 1, not voting 41, as follows:

[Roll No. 201]

AYES—130

Abercrombie
Ackerman
Allen
Andrews
Baldwin
Barrett (WI)
Becerra
Berkley
Berry
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clement
Clyburn
Coyne
Crowley
Cummings
Danner
DeLauro
Dicks
Dingell
Doggett
Dooley
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gejdenson
Gephardt
Gonzalez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kleczka
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Maloney (CT)
Maloney (NY)
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Nadler
Napolitano
Oberstar
Obey
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Reyes
Rivers
Roybal-Allard
Sabo
Sanders
Sawyer
Schakowsky
Serrano
Sisisky
Slaughter
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waxman
Weiner
Wexler
Weygand
Woolsey
Wynn

NOES—263

Aderholt
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clayton
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger

Hill (MT)
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Manzullo
Markey
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Stabenow
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—41

Archer
Bentsen
Bishop
Bonior
Bono
Boucher
Brown (CA)
Buyer
Clay
Conyers
Cooksey
Cox
DeLay
Dixon
Frank (MA)
Ganske
Gilchrest
Graham
Green (TX)
Hilleary
Jefferson
Kasich
Largent
Lofgren
Lucas (OK)
Luther
McKinney
Neal
Nethercutt
Olver
Oxley
Pombo
Rangel
Salmon
Scott
Shuster
Smith (WA)
Stearns
Watt (NC)
Watts (OK)
Weldon (PA)

□ 2208

So the motion was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, first of all, I also would like to commend and thank the staff that helped us develop this bill and the members of the subcommittee who worked on this bill and produced a bill that is fair and meets the needs of the House.

This bill basically deals with the safety of the buildings, Mr. Chairman. It also ensures security for the personnel that work in this building and those who visit this building. But this building is mainly about personnel, and that is how we treat our employees who work in our offices to make sure that we are effective and efficient.

I have to tell my colleagues that I commend the chairman of the subcommittee, the gentleman from North Carolina (Mr. TAYLOR). He was very fair, very bipartisan. We had the hearings, we developed this bill in a bipartisan manner, and we were cognizant of the needs of this House. It is a responsible bill.

Through the subcommittee, as my colleagues were told earlier, by unanimous vote, this bill was forwarded to the full Committee on Appropriations, and the Committee on Appropriations unanimously, on a voice vote, forwarded it to the House.

It is with great disappointment I must now vote against this bill. We thought this was a fair bill; that the Members would accept it and adopt it. We did not expect a long time in its debate or in bringing it forth. In fact, we were so confident that this bill would be accepted that as we talked about the calendar, we thought that it would take a few minutes, it would get adopted, and the Members would be able to leave early. Well, here we are, late at night, and it is taking a while to get this bill through the House.

It is a fair bill, and the reason I have to ask the members of the Democratic Conference to not support this bill is that the late developments are that they are requesting a big reduction in the Members' allowance. We had in that allowance considered a cost-of-living increase for our employees. These are the men and women who work for us, who make sure that we represent our constituents very well. It is our feeling that what was a reasonable bill, a fair bill, now is something that we cannot support. I know there will be debate, but it is our position that our employees who work very hard for us, long hours, also deserve consideration when it comes to a cost-of-living increase.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Chairman, I thank the gentleman for yielding me this time. If the chairman would engage with me in a colloquy, I would ask the chairman if he would tell me and the Members of the House how the appropriated amount in this bill compares to the amount that was last passed when the Democrats were in the majority. That would have been fiscal year 1995, I presume.

Mr. TAYLOR of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. COBLE. I yield to the gentleman from North Carolina.

Mr. TAYLOR of North Carolina. Well, Mr. Chairman, I would tell my colleague that since 1995, my predecessors, the last two chairmen, have saved over $1.2 billion in this bill. Now, that is a savings trend established in the 1990 to 1995 period.

In addition, the FTEs have been substantially reduced, and we have a work force that is about 16 percent lower than it was in 1994, the last year that the majority party was in power, which at that time were the Democrats.

So we have had both a savings in substantial dollar savings and in FTE employment savings.

Mr. COBLE. Reclaiming my time, Mr. Chairman, I thank my colleague for that information.

Mr. PASTOR. Mr. Chairman, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), and respond to the previous comments by saying that, as was shown, the bill itself has produced reductions in the past and continues to reduce the funding for the legislative branch.

Mr. OBEY. Mr. Chairman, this argument that we have had tonight is not about cuts in this bill, it is about the way we make choices or should make choices in a bipartisan manner on issues that affect this institution and our constituents.

Last month, the majority passed a budget resolution, which it has every right to do, which cut $36 billion below current services for domestic programs. The issue is how those cuts are going to be distributed both between departments and programs and within departments and programs, and it is about whether those cuts will be fair or unfair.

After that budget resolution was passed, the Republican majority again, as is its right, divided that money between the 13 subcommittees on the Committee on Appropriations, and the committee began to report its bills. First, we reported agriculture. We reported a bipartisan bill, supported on both sides of the aisle, and I think the committee did a good job in distributing the cuts within the Department. But then the Republican leadership, in response to concerns expressed by some members in its caucus, responded unilaterally by unilaterally changing that bill, by cutting agriculture research, by cutting food and drug funding without consultation with anyone on this side of the aisle. And in the process they turned a bipartisan bill into a partisan one.

□ 2215

Now we have the same process, unfortunately, being repeated on this bill. Again, this bill that funds the Congress itself was reported out of committee on a bipartisan basis.

Again, the Republican leadership now unilaterally made changes in that bill only a few hours earlier today. Those changes protect committee staff. They leave plenty of room for cost-of-living

adjustments for people who work for committees. Those changes leave plenty of room for staffers who work for the leadership on both sides of the aisle. But they really leave very little room for cost-of-living adjustments for people who happen to work for rank-and-file Members.

That is one issue this is about, whether people who work for this body are going to be treated fairly and whether the squeeze on the budget is going to be distributed equitably between all of the folks who work very hard for all of us on both sides of the aisle.

I have two points I would like to make. First of all, if the majority wants to make additional cuts, fine, let us make them. But do not do it unilaterally. Sit down with us, sit down with people on both sides of the aisle, sit down with the House Committee on Administration that has jurisdiction over most of these issues so that we can make sure that the cuts that are made are fair.

I would like to make another more basic point. The cuts that are made in this bill are really, with the exception of its impact on the folks who work for us, relatively minor. But the cuts that will be required for bills that are yet to come will be far deeper in education, they will be far deeper in health, they will be far deeper in veterans' benefits, especially in the out years. And that, in my view, is not fair.

If these bills are to be changed from the amount that was just agreed to in the 302 allocation process, then, in our view, this bill should not be considered until we know how other Government agencies are going to be treated. Congress should be treated no better and no worse than any other Government agency.

Second, this bill should not be passed until we know how deep the cuts are that are being contemplated for veterans, for education, for health care, and other areas of major responsibility to our people. Because in the end, if this bill is one of the first out of the gate and if it is signed into law before those other cuts are made, then the American people are really going to have a right to ask whether we are more concerned with taking care of ourselves than we are with taking care of their own problems.

The most basic issue we have before us is that we have a long way to go in the appropriations process. There are a number of appropriation bills which we expect to be handled in a bipartisan manner. It would be sad indeed if every bill that is brought before this House winds up being dealt with in a partisan manner because the leadership on that side of the aisle makes unilateral choices. We were all elected to represent our people and it is not right to cut half of us out of that process.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise in support of the bill before the House but also to personally pay tribute to the House Page Program funded in this bill. Especially, I wish to acknowledge the service and dedication of this academic year's House Pages.

Today marks the last legislative day before the end of duty for this class, and tomorrow is their last day to be enrolled in the Page Program.

Mr. Chairman, I want these special young people to know how grateful I, the members of the Page Board, and all of the Members of Congress are for their marvelous efforts on behalf of the American people. Their tireless work and dedication to this House allow for work to be done in a more efficient and professional manner.

We are all truly grateful to each individual page for their willingness to leave the comfort and security of home to live, work, and attend school in an environment that certainly requires a tremendous adjustment. These exceptional young men and women, who stand in the back of the chamber today, have made an incredible sacrifice, Mr. Chairman, by dedicating their minds and enthusiasm during their service to our Nation.

From the beginning, we had great expectations of this Page class. They have not disappointed us. We have asked for their loyalty. And again, they have not disappointed us. Now, as they return to their home communities and schools to continue their studies, we wish them all the best of luck and ask them to hold this House in the same high regard and esteem as we do their contributions to the House's works.

It is with great pride and appreciation, as chairman of the House Page Board, that I rise to salute our pages and wish them the best in their future endeavors.

Mr. Chairman, I insert into the CONGRESSIONAL RECORD the official listing of names of the departing House pages.

1998–1999 U.S. HOUSE PAGE CLASS

Graham Babbitt, Joel Bagwell, Kyle Becker, Nicholas Bronni, Ashley Bumgarner, Dan Cosman, Bernadette Cullen, Becca Dalton, Tina Dannelly, Sheila Davies, Nick Dexter, Mike DiRoma, Leif Erickson, Caroline Evans, Rebecca Forster, Benjamin Foster, Andrea Green, Jay Greenbaum, Lauren Haller, Danny Hanlon, Gillian Hanson, Haley Hobbs, Patrick Janelle, Adam Jones, Glenn Kates, Amy Kennedy, Megan Kennedy, Janel Koehler, Rebekah Krieger, Michael Lanzara, Robert Leider, Scott Levine, Jonovan Luckey, Emilie Mague, Mike Mahoney, Natalie Mariona, Kareem Merrick, Megan Miller, Lindsey Much, Billye Nelson, Cristie Neubert, Dave Newcomb, Frank Nicklaus, Daniel Ortega, Kari Peterson, Patrick Pugh, George Robinette, Tracy Robinson, Katy Rosenberg, Noah Sanders, Jen Sauers, Karen Schulien, Jay Schwarz, Harlan Scott, Jacob Shellabarger, Elizabeth Smith, Kathy Smith, Robert Smith, Tristan Snyder, Cody Specketer, Sara Steines, Michelle Sullivan, Blair Sweeney, Micah Thompson, Darius Underwood, Matt Wagner, Kara Wenzel, Will Whitehead, Robyn Willie, and John Yarborough.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I commend the gentlewoman for her comments and our pages for the excellent work they have done.

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

Mr. Chairman, I also would like to commend these young men and women and thank them for the great service they did to the membership of this House. We wish them the best.

Mr. Chairman, I yield 7 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, during my career I have had the opportunity to serve on the Page Board. And as I say each year, when we take an opportunity such as this to thank the departing pages for the service that they have given to this people's House, I had the opportunity to serve as president of the Maryland Senate, and in that capacity ran the page program in that body. It was one of the best duties that I had.

Not only do our pages provide extraordinary service, but they learn a lot. They observe the dedication of the men and women who have been selected by their neighbors to serve in the Congress of the United States, in this, the greatest example of democracy in this world.

Vaclav Havel came and gave a speech on that second rostrum, and he pointed out that the Constitution of the United States, the Declaration of Independence, the Capitol itself, and the legislative process that occurs in this Capitol are inspiration for all the world.

There are only a few young Americans who can have the opportunity to witness democracy in action firsthand. The process of 435 individuals coming together, representing roughly 600,000 people each, over 260 million people collectively, to resolve the questions that confront our country is truly extraordinary.

Our pages have had a unique window on that operation. I believe that experience places upon our departing pages a special responsibility, a special responsibility to return to their communities, their schools, and their neighborhoods, and to impart to their friends what they have learned.

I believe that each of our pages leaves with a conviction that our democracy works pretty well and that it produces representatives who really care. They may differ, and they may fight, and on C-SPAN sometimes they appear overly contentious. But our pages have an opportunity to see a

broader participation than C-SPAN affords most of the public; and, therefore, they can impart a much more accurate picture of this institution.

I hope that each of our pages is as proud of this institution as each of us who serves within it. I hope that each of them leaves this institution with the intention to tell other Americans, whether they be young people, or their parents, or their uncles and aunts and relatives, and all of their peers, about how precious this democracy is and how important to its success is their participation in it.

We have had a number of people who have served in the Congress who started their careers as pages. The late Bill Emerson is a specific example. The gentleman from Michigan (Mr. DALE KILDEE) is another, who used to chair this Page Board. The gentleman from Pennsylvania (Mr. KANJORSKI) is another.

Any one of our fine pages standing in the well may stand here where I stand, or where the gentlewoman from New York (Mrs. KELLY) stands, and speak on behalf of his and her neighbors and friends.

The only way to get to the House of Representatives as a Member is to be elected. One cannot be appointed. Our Founding Fathers wanted to make sure that it was constituents who selected their representatives, not governors, not presidents, but the people. That is why we proudly call this the people's House.

Our pages have served here with us. They have served not only us, but America. We urge them to go back and continue to help us build a better country for us all. I know they will.

Thank you and Godspeed.

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I would like to speak for two Members who are not here tonight at the moment who I know would like to be here, my colleague the gentleman from Michigan (Mr. KILDEE), who serves on the Page Board, along with my good friend the gentleman from Arizona (Mr. KOLBE). And for all Members, we are so appreciative of all the work that you did.

You do see us long days, long hours, early in the morning, and certainly again late at night. I have had the opportunity to appoint a number of students, wonderful students, from my district that have served. And it is terrific to watch them work and know who the Members are and understand a little bit of the process.

After they have left here, I have often seen them back at their schools back at home. And I correspond with them after they have left, even many years after they have left. And as I talk to their parents, I know that it is an opportunity that they will never ever forget.

It is a great privilege for all of you to be here. It is a privilege for us to have you be here, as well. And even though some of us might look like a page from time to time, particularly if we wear a blue coat, I just wanted to say for all of us, thank you. You do a wonderful job.

Mr. PASTOR. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Arizona (Mr. PASTOR) has 16 minutes remaining. The gentleman from North Carolina (Mr. TAYLOR) has 19½ minutes remaining.

Mr. PASTOR. Mr. Chairman, I yield 6 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I have here a speech prepared for this bill. Let me read the first paragraph.

> Mr. Chairman, I urge the Members to support this bill. The gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Arizona (Mr. PASTOR) have fashioned a bill that will serve the legislative branch well next year.

That paragraph, of course, was written before a determination was made unilaterally to change this bill, to undermine the premise on which that paragraph was written.

□ 2230

I regret that unilateral change which, as the gentleman from Wisconsin (Mr. OBEY) has pointed out, was not taken in a bipartisan way. I said this earlier on another bill. The gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Florida (Mr. YOUNG) both led this bill through its two phases, subcommittee and full committee, in a bipartisan, fair fashion. It was that procedure that I respected and that bill that I was going to support. Unfortunately, however, after it left the bosom of our committee, other forces were brought to bear, the bill will now be changed, and I do not believe it will serve this institution as well as it should.

There are some things in this bill that I am pleased about, such as the transit subsidy program for the roughly 4,000 employees of the Library of Congress. Approximately 140 Federal agencies, including the House and Senate, and numerous private-sector employers, offer their employees similar benefits to encourage use of public transportation. Last year we extended those benefits to our own employees at the option of each Member. That was a good step for us to take. This year we are extending it to the employees of the Library of Congress, another significant step forward. By expanding this transit-subsidy program to Library employees, we can help to ease highway congestion, reduce demand for scarce parking, reduce pollution.

I was very pleased that the bill, as reported, funded the succession initiatives in the Library and the Congressional Research Service, and hope the reductions to be taken in the Young amendment can be restored in conference. Over the next few years, numerous senior Library/CRS employees will leave Federal service for their well-earned retirement. These succession initiatives would enable the Library to ensure that key personnel pass their knowledge and expertise on to successors prior to their departure.

I am also pleased, Mr. Chairman, that the reported bill includes the amendment offered in the committee by the gentleman from California (Mr. FARR). The committee adopted it by voice vote. But as the gentleman from California, I am sure, will observe and as I will lament, the only provision in this bill that is not protected by the rule is a provision to say that we will protect the environment and recycle paper, as we expect every other Federal agency to do.

It is a shame that the Committee on Rules would not see that as a sufficiently important policy position for this bill to take for our institution. This is not extraneous. This is about the legislative body.

I would hope that no one would rise to make the point of order. I would say that this matter is in the jurisdiction of the committee of which I have the privilege of being the ranking member. I would hope that we would not claim jurisdiction on this issue. It ought not to be controversial.

As the gentleman from California pointed out, the House recycling program does not work as well as it should. One year it earned $7.51. Last year, however, it earned $25,000. But it has been suggested, Mr. Chairman, that the program could earn $150,000 if we recycled just 60 percent of our high grade paper. Think of that, $25,000. Now, the good news is what happens with this $25,000 under the Farr amendment. Mr. Chairman, the bill provides that recycling proceeds would go to our child-care center. Is there one of us that does not have an employee with a problem getting proper child care, and therefore needs the House child care center? Under the Farr amendment, not only do we get the opportunity to recycle, and to help our environment by reusing materials that are fully reusable, but we can also get to help our employees' children and be a more family-friendly institution.

Mr. Chairman, most Members and staff want to recycle, and they deserve a program that will facilitate it.

Finally, there is one item not in this measure but which I believe should appear in the final version. I thank the gentleman from North Carolina, our chairman, who has been very receptive to this issue. I believe in the final version we should include funding for U.S. Capitol Police information technology services. These services are

mission-critical, but are now provided through the Senate Sergeant at Arms at whatever level of funding and support he has available after his primary responsibilities to the Senate are met. This item ought to be included in our bill and I look forward to working with the chairman on this issue in conference.

Mr. Chairman, I ask the Members to oppose the Young amendment and support the bill as originally reported by the subcommittee and full committee.

Mr. PASTOR. Mr. Chairman, I yield 6 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman from Arizona (Mr. PASTOR) for yielding me this time. I want to associate myself with the remarks of the gentleman from Maryland (Mr. HOYER). As a member of the Committee on Appropriations, I was very pleased with the bill that was worked out in a bipartisan fashion. In that bill I offered an amendment, and the amendment was adopted, and the amendment requested that the House put itself into a serious mode of trying to recycle, because the recycling program that the House now has is not running very well. We are an embarrassment in the Federal system. We are really an embarrassment. All other Federal agencies operate under a Federal Executive Order 12–873 which requires all Federal agencies to implement recycling programs. The legislative branch is the only branch that is not required to participate. The reason it is not working is because it is totally voluntary here.

The failure to operate the program has been pointed out by our own House Architect, his own numbers. In testimony before the Committee on Appropriations last year, he pointed out that in this House building, in our employment of the House building, and these are the 1997 figures, we employed 8,000 workers. That is quite a figure. I do not think many people realize that that many people work for the House of Representatives. Our 8,000 workers in our building generated 4.4 million pounds of waste. For this in 1997, we earned $7.51. As was pointed out earlier, people collecting bottles on the streets, almost any Girl Scout unit earns more than that in a week or a day than we earned in an entire year. By comparison, the U.S. Department of Agriculture, which is just down the street, in 1997 employed 7,000 workers who generated 1 million pounds of waste. And for this they earned $29,730. They produced one-fourth the amount of waste that we did and earned thousands of times more. They use that revenue for child care purposes in the Department of Agriculture.

So I offered the amendment in the Committee on Appropriations. The amendment does four things:

It requires the House, Members and the administrative offices, to participate in the existing recycling program. Requires them to, not just it is up to you. It tasks the Architect with developing strategies so that the recycling program is flexible, user friendly and effective. The third thing it does is require the architect to report semiannually to the Committee on House Administration and Committee on Appropriations on the status of the program, how is it working, so we can get feedback. Fourth, it dedicates the proceeds that we would earn, and they could be considerable, from this program to the House child care center. Or, we left it in the bill, as may be determined by the Committee on Appropriations. So if we want to put that money someplace else, we have the flexibility to do it.

The amendment was adopted by voice vote in a bipartisan fashion. It is necessary that we have this program because you cannot run a recycling program and just let some offices do it and other offices do not. After all, it is the same janitorial staff that cleans all of these offices. So in order to eliminate the excuses of why we cannot be what we have mandated on the rest of America, why we cannot be what all other Federal agencies have done, why we cannot be what America expects us to be, we have adopted this amendment.

Now, we have before us in the rule that was just adopted the ability to strike this. No other provision of this bill, they waived all the points of order for all the others except this one. I think it is kind of a mean, reckless error. What you are saying is that we can waive points of order and, my God, we do that every week here. I remember in the supplemental just a few weeks ago, we have 3,000 Soviet scholars coming to this country, that was certainly the jurisdiction of other committees, it was never heard in committee, never debated, it was just put in the supplemental, and we all support it and nobody ever raised a point of order that it was a jurisdictional issue.

We do this all the time. I think it is foolish of us to expose ourselves to the public on the embarrassment of our House. I think we all agree, we ought to be doing it. There was a lot of testimonial in the Committee on Appropriations how bad the program is working and how we can do a much better job. We know in our own homes that our kids force us to do it. We participate in this stuff. We have just praised these future leaders of America who have been our pages. Why can we not demonstrate to them that there is some meaning in our words by demonstrating that we can run this House like most people run their homes, like most businesses around this country run themselves and certainly like all other Federal agencies.

Mr. Chairman, I came here with great hope that we could support this bill. But with this rule that is adopted and a point of order is raised, we are going to have to urge our colleagues to defeat it, and I think it will be an embarrassment to the United States Congress.

Mr. PASTOR. Mr. Chairman, I yield myself such time as I may consume. I rise also to commend the gentleman from California (Mr. FARR) who through his insistence the full Committee on Appropriations adopted a mandatory recycling program. As he explained, a program such as this is required in many cases of our constituents and I think that we as Members of the House should also have a recycling program that is mandatory, efficient and effective and will produce the moneys.

Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, we all know as Members of this institution that this is a troubled House of Representatives. At times in the history of this institution it has also been similarly troubled. But I have heard from many who have served longer than the 3½ terms I have served that they have never remembered the place being as mean-spirited, as venal, as partisan as it is now. I think we ought to be working on ways to change that, and I know many of the Members on both sides of the aisle are men and women of good spirit that would very much like to work to get a greater comity of views, even across the wide divergence of opinion in this body. That really depends upon process, rules of fair play. There is a majority. There is a minority. But if the rules of fair play are engaged in, losing votes is something the minority will understand, just as long as the process is a fair one.

Now, what is so objectionable about the amendment offered by the chairman is that it completely blows up any notion of fairness in the appropriations process. The process for appropriations is that you have allocations. Each of the subcommittees is given a certain amount of money to spend. It is set by the budget that was earlier passed by this body. This once again just like the agriculture budget a few days before, agriculture appropriations of a few days before, is a budget brought that comports with the allocation. Hearings have been held. Bipartisan votes have been cast. The subcommittee has reached an agreement. They have brought a recommendation to the floor. That is the process working as it should.

□ 2245

Now it totally blows away that process when the majority says, ''Oh, by the way, without any advanced notice to you all in the minority, we're going to give another whack right across the board without so much as a discussion in committee about what we are doing.''

The chairman of the Committee on Appropriations is a man that we know well, he served long, we respect him deeply, and really it is beneath his leadership to subvert the process of fair play in the fashion the amendment to the agriculture appropriations bill and this amendment represent.

I believe that if this body, if this majority, wants to take additional sums out, go back and revise the allocations, send the appropriation subcommittees back to work, and at least we again have the process functioning; but this last minute, eleventh hour, blind side, irrespective of consequences, totally shutting out minority opinion, is the very type of foul play that makes the minority feel utterly disenfranchised, that makes the constituents we represent totally shut out of the process and that creates and contributes to the vile, bad spirit that plagues this place.

Treat us fairly. Adhere to process. Let the legislative function work.

Mr. Chairman, that would mean rejecting this amendment tonight.

Mr. PASTOR. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN pro tempore (Mr. HANSEN). The gentleman from Arizona is recognized for 1 minute.

Mr. PASTOR. Mr. Chairman, I would like to again thank the staff, the members of the subcommittee; I would like to thank the gentleman from North Carolina (Mr. TAYLOR) for the fairness in developing this bill. It was a reasonable bill, it was a fair bill, and due to last-minute decisions that were beyond our control, it has now become a very harsh bill, especially when it deals with the House Members not being able to provide COLAs to our staff.

So, Mr. Chairman, I would ask that the Democrat side oppose this bill.

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

Mr. TAYLOR of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when I came here in 1991, this House was much more troubled than the last speaker before the gentleman from Arizona (Mr. PASTOR) indicated. We had a House bank that had been corrupted by abuses of some former Members of this body, we had drugs being sold in the post office, we had purchases being made by former Members of this body. There were a number of perks that were abusive of this body.

Members of both parties got together and eliminated those abuses. We have worked to see that this House is a House that we can all be proud of. We have done that in points of law, and we have done that by cutting our own budget to respect what is happening in the public generally. Most people are having to cut their budgets, and we will have to wrestle with a lot of problems in the other 12 bills that will be coming before us. We have done it in a bipartisan way, and I am proud of our bill that we have now.

I appreciate the work of both parties of the committee in this area.

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

The CHAIRMAN pro tempore (Mr. HANSEN). All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 1905 is as follows:

H.R. 1905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $769,019,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $14,202,000, including: Office of the Speaker, $1,740,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,705,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $2,071,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $1,423,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $1,057,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $406,000; Republican Steering Committee, $757,000; Republican Conference, $1,244,000; Democratic Steering and Policy Committee, $1,337,000; Democratic Caucus, $664,000; nine minority employees, $1,218,000; training and program development—majority, $290,000; and training and program development—minority, $290,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $413,576,000.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $93,878,000: *Provided,* That such amount shall remain available for such salaries and expenses until December 31, 2000.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $21,308,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed: *Provided,* That such amount shall remain available for such salaries and expenses until December 31, 2000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $90,633,000, including: for salaries and expenses of the Office of the Clerk, including not more than $3,500, of which not more than $2,500 is for the Family Room, for official representation and reception expenses, $14,881,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not more than $750 for official representation and reception expenses, $3,746,000; for salaries and expenses of the Office of the Chief Administrative Officer, $57,289,000, of which $2,500,000 shall remain available until expended, including $25,169,000 for salaries, expenses and temporary personal services of House Information Resources, of which $24,641,000 is provided herein: *Provided,* That of the amount provided for House Information Resources, $6,260,000 shall be for net expenses of telecommunications: *Provided further,* That House Information Resources is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, $3,926,000; for salaries and expenses of the Office of General Counsel, $840,000; for the Office of the Chaplain, $136,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,172,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $2,045,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $5,085,000; for salaries and expenses of the Corrections Calendar Office, $825,000; and for other authorized employees, $688,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $135,422,000, including: supplies, materials, administrative costs and Federal tort claims, $2,741,000; official mail for committees, leadership offices, and administrative offices of the House, $410,000; Government contributions for health, retirement, Social Security, and other applicable employee benefits, $131,595,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $676,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. (a) COMPLIANCE WITH ADMISSION REQUIREMENTS.—The General Counsel of the House of Representatives and any other counsel in the Office of the General Counsel of the House of Representatives, including any counsel specially retained by the Office of General Counsel, shall be entitled, for the purpose of performing the counsel's functions, to enter an appearance in any proceeding before any court of the United States or of any State or political subdivision thereof without compliance with any requirements for admission to practice before such court, except that the authorization

conferred by this subsection shall not apply with respect to the admission of any such person to practice before the United States Supreme Court.

(b) NOTIFICATION BY ATTORNEY GENERAL.—The Attorney General shall notify the General Counsel of the House of Representatives with respect to any proceeding in which the United States is a party of any determination by the Attorney General or Solicitor General not to appeal any court decision affecting the constitutionality of an Act or joint resolution of Congress within such time as will enable the House to direct the General Counsel to intervene as a party in such proceeding pursuant to applicable rules of the House of Representatives.

(c) GENERAL COUNSEL DEFINITION.—In this section, the term ''General Counsel of the House of Representatives'' means—

(1) the head of the Office of General Counsel established and operating under clause 8 of rule II of the Rules of the House of Representatives;

(2) the head of any successor office to the Office of General Counsel which is established after the date of the enactment of this Act; and

(3) any other person authorized and directed in accordance with the Rules of the House of Representatives to provide legal assistance and representation to the House in connection with the matters described in this section.

SEC. 102. Section 104(a) of the Legislative Branch Appropriations Act, 1999 (Public Law 105–275; 112 Stat. 2439) is amended by striking ''(2 U.S.C. 59(e)(2))'' and inserting ''(2 U.S.C. 59e(e)(2))''.

SEC. 103. (a) CLARIFICATION OF RULES REGARDING USE OF FUNDS FOR OFFICIAL MAIL.—

(1) IN GENERAL.—Section 311(e)(1) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e(e)(1)) is amended—

(A) in the matter preceding subparagraph (A), by striking ''There is established'' and all that follows through ''shall be prescribed—'' and inserting the following: ''The use of funds of the House of Representatives which are made available for official mail of Members, officers, and employees of the House of Representatives who are persons entitled to use the congressional frank shall be governed by regulations promulgated—''; and

(B) in subparagraph (A), by striking ''the Allowance'' and inserting ''official mail (except as provided in subparagraph (B))''.

(2) LIMITATIONS ON AVAILABILITY OF FUNDS.—Section 311(e)(2) of such Act (2 U.S.C. 59e(e)(2)), as amended by section 104(a) of the Legislative Branch Appropriations Act, 1999, is amended—

(A) in the matter preceding subparagraph (A), by striking ''The Official Mail Allowance'' and inserting ''Funds used for official mail'';

(B) by striking subparagraph (A); and

(C) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B).

(3) REPEAL OF OBSOLETE TRANSFER AUTHORITY.—Section 311(e) of such Act (2 U.S.C. 59e(e)) is amended by striking paragraph (3).

(4) CONFORMING AMENDMENTS.—(A) Section 1(a) of House Resolution 457, Ninety-second Congress, agreed to July 21, 1971, as enacted into permanent law by chapter IV of the Supplemental Appropriations Act, 1972 (2 U.S.C. 57(a)), is amended by striking ''the Official Mail Allowance'' each place it appears and inserting ''official mail''.

(B) Section 311(a)(3) of the Legislative Branch Appropriations Act, 1991 (2 U.S.C. 59e(a)(3)) is amended by striking ''costs charged against the Official Mail Allowance for'' and inserting ''costs incurred for official mail by''.

(b) REPEAL OF OBSOLETE REFERENCES TO CLERK HIRE ALLOWANCE.—

(1) IN GENERAL.—Section 104(a) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 92(a)) is amended by striking ''clerk hire'' each place it appears.

(2) CONFORMING AMENDMENT.—The heading of section 104 of such Act (2 U.S.C. 92(a)) is amended by striking ''CLERK HIRE''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the first session of the One Hundred Sixth Congress and each succeeding session of Congress.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,200,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, $6,188,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including: (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to three medical officers while on duty in the Office of the Attending Physician; (3) an allowance of $500 per month to one assistant and $400 per month each not to exceed eleven assistants on the basis heretofore provided for such assistants; and (4) $1,002,600 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,898,000, to be disbursed by the Chief Administrative Officer of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries of officers, members, and employees of the Capitol Police, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions for health, retirement, Social Security, and other applicable employee benefits, $78,501,000, of which $37,725,000 is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Chief Administrative Officer of the House, and $40,776,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided,* That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, $6,711,000, to be disbursed by the Capitol Police Board or their delegee: *Provided,* That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 2000 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISION

SEC. 104. Amounts appropriated for fiscal year 2000 for the Capitol Police Board for the Capitol Police may be transferred between the headings ''SALARIES'' and ''GENERAL EXPENSES'' upon the approval of—

(1) the Committee on Appropriations of the House of Representatives, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms of the House of Representatives under the heading ''SALARIES'';

(2) the Committee on Appropriations of the Senate, in the case of amounts transferred from the appropriation provided to the Sergeant at Arms and Doorkeeper of the Senate under the heading ''SALARIES''; and

(3) the Committees on Appropriations of the Senate and the House of Representatives, in the case of other transfers.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $2,293,000, to be disbursed by the Secretary of the Senate: *Provided,* That no part of such amount may be used to employ more than forty-three individuals: *Provided further,* That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Sixth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

OFFICE OF COMPLIANCE

SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,000,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not more than $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, $26,221,000: *Provided*, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

ADMINISTRATIVE PROVISIONS

SEC. 105. (a) The Director of the Congressional Budget Office shall have the authority to make lump-sum payments to enhance staff recruitment and to reward exceptional performance by an employee or a group of employees.

(b) Subsection (a) shall apply with respect to fiscal years beginning after September 30, 1999.

SEC. 106. Paragraph (5) of section 201(a) of the Congressional Budget Act of 1974 (2 U.S.C. 601(a)) is amended to read as follows:

''(5)(A) The Director shall receive compensation at an annual rate of pay that is equal to the lower of—

''(i) the highest annual rate of compensation of any officer of the Senate; or

''(ii) the highest annual rate of compensation of any officer of the House of Representatives.

''(B) The Deputy Director shall receive compensation at an annual rate of pay that is $1,000 less than the annual rate of pay received by the Director, as determined under subparagraph (A).''.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

SALARIES AND EXPENSES

For salaries for the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment, including not more than $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance and operation of a passenger motor vehicle; and not to exceed $20,000 for attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $47,569,000, of which $4,520,000 shall remain available until expended.

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,579,0000, of which $155,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $40,679,000, of which $7,842,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, $39,180,000: *Provided*, That not more than $4,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2000.

ADMINISTRATIVE PROVISION

SEC. 107. (a) PARTICIPATION IN OFFICE WASTE RECYCLING PROGRAM.—Each Member and each employing authority of the House of Representatives shall comply with the Architect of the Capitol's Office Waste Recycling Program for the House of Representatives (hereafter in this section referred to as the ''Program''). The Architect shall provide a convenient, clearly marked, and effective system for the collection of recyclable materials under the Program.

(b) REPORT.—The Architect of the Capitol shall submit semiannually to the Committees on Appropriations and House Administration of the House of Representatives a written report on the status and results of the Program.

(c) USE OF PROCEEDS FOR CHILD CARE CENTER.—All funds collected through the sale of materials under the Program shall be deposited in an account established in the Treasury. Amounts in such account shall be used for payment of activities and expenses of the House of Representatives Child Care Center, to the extent provided in appropriations Acts.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, $71,255,000: *Provided*, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, $77,704,000: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: *Provided further*, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code.

This title may be cited as the ''Congressional Operations Appropriations Act, 2000''.

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,538,000.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $256,970,000, of which not more than $6,500,000 shall be derived from collections credited to this appropriation during fiscal year 2000, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than $350,000 shall be derived from collections during fiscal year 2000 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: *Provided*, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $6,850,000: *Provided further*, That of the total amount appropriated, $10,438,000 is to remain available until expended for acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the

purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: *Provided further,* That of the total amount appropriated, $2,347,000 is to remain available until expended for the acquisition and partial support for implementation of an Integrated Library System (ILS): *Provided further,* That of the total amount appropriated, $5,579,000 is to remain available until expended for the purpose of teaching educators how to incorporate the Library's digital collections into school curricula, which amount shall be transferred to the educational consortium formed to conduct the ''Joining Hands Across America: Local Community Initiative'' project as approved by the Library.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, $37,639,000, of which not more than $20,800,000, to remain available until expended, shall be derived from collections credited to this appropriation during fiscal year 2000 under 17 U.S.C. 708(d): *Provided,* That the Copyright Office may not obligate or expend any funds derived from collections under 17 U.S.C. 708(d), in excess of the amount authorized for obligation or expenditure in appropriations Acts: *Provided further,* That not more than $5,454,000 shall be derived from collections during fiscal year 2000 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided further,* That the total amount available for obligation shall be reduced by the amount by which collections are less than $26,254,000: *Provided further,* That not more than $100,000 of the amount appropriated is available for the maintenance of an ''International Copyright Institute'' in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further,* That not more than $4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for Copyright delegations, visitors, and seminars.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $48,033,000, of which $14,032,600 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase, installation, maintenance, and repair of furniture, furnishings, office and library equipment, $5,415,000.

ADMINISTRATIVE PROVISIONS

SEC. 201. Appropriations in this Act available to the Library of Congress shall be available, in an amount of not more than $198,390, of which $59,300 is for the Congressional Research Service, when specifically authorized by the Librarian of Congress, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 202. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term ''manager or supervisor'' means any management official or supervisor, as such terms are defined in section 7103(a)(10) and (11) of title 5, United States Code.

SEC. 203. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 204. Of the amounts appropriated to the Library of Congress in this Act, not more than $5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 205. Of the amount appropriated to the Library of Congress in this Act, not more than $12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 206. (a) For fiscal year 2000, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed $98,788,000.

(b) The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

SEC. 207. The Library of Congress may use available funds, now and hereafter, to enter into contracts for the lease or acquisition of severable services for a period that begins in one fiscal year and ends in the next fiscal year and to enter into multi-year contracts for the acquisition of property and services pursuant to sections 303L and 304B, respectively, of the Federal Property and Administrative Services Act (41 U.S.C. 253l and 254c).

SEC. 208. (a) Notwithstanding any other provision of law regarding the qualifications and method of appointment of employees of the Library of Congress, the Librarian of Congress, using such method of appointment as the Librarian may select, may appoint not more than three individuals who meet such qualifications as the Librarian may impose to serve as management specialists for a term not to exceed three years.

(b) No individual appointed as a management specialist under subsection (a) may serve in such position after December 31, 2004.

SEC. 209. (a) Section 904 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 136a–2) is amended to read as follows:

''SEC. 904. Notwithstanding any other provision of law—

''(1) the Librarian of Congress shall be compensated at an annual rate of pay which is equal to the annual rate of basic pay payable for positions at level II of the Executive Schedule under section 5313 of title 5, United States Code; and

''(2) the Deputy Librarian of Congress shall be compensated at an annual rate of pay which is equal to the annual rate of basic pay payable for positions at level III of the Executive Schedule under section 5314 of title 5, United States Code.''.

(b) Section 203(c)(1) of the Legislative Reorganization Act of 1946 (2 U.S.C. 166(c)(1)) is amended by striking the second sentence and inserting the following: ''The basic pay of the Director shall be at a per annum rate equal to the rate of basic pay provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.''.

(c) The amendments made by this section shall apply with respect to the first pay period which begins on or after the date of the enactment of this Act and each subsequent pay period.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $17,782,000, of which $5,150,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, $29,986,000: *Provided,* That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $175,000: *Provided further,* That amounts of not more than $2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for 1998 and 1999 to depository and other designated libraries.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided,* That not more than $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further,* That the revolving fund shall be available for the hire or purchase of not more than twelve passenger motor vehicles: *Provided further,* That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further,* That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: *Provided further,* That the revolving fund and the funds provided under the headings ''OFFICE OF SUPERINTENDENT OF DOCUMENTS'' and ''SALARIES AND EXPENSES''

together may not be available for the full-time equivalent employment of more than 3,313 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the Senate and the House of Representatives): *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: *Provided further*, That expenses for attendance at meetings shall not exceed $75,000.

ADMINISTRATIVE PROVISION

SEC. 210. (a) Section 311 of title 44, United States Code, is amended by adding at the end the following new subsection:

''(c) Notwithstanding any other provision of law, section 3709 of the Revised Statutes (41 U.S.C. 5) shall apply with respect to purchases and contracts for the Government Printing Office as if the reference to '$25,000' in clause (1) of such section were a reference to '$100,000'.''.

(b) The heading of section 311 of title 44, United States Code, is amended by striking ''AUTHORITY'' and inserting ''AUTHORITY; SMALL PURCHASE THRESHOLD''.

(c) The table of sections for chapter 3 of title 44, United States Code, is amended by striking the item relating to section 311 and inserting the following:

''311. Purchases exempt from the Federal Property and Administrative Services Act; contract negotiation authority; small purchase threshold.''.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not more than $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6), and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6), and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, $372,681,000: *Provided*, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $1,400,000 of such funds shall be available for use in fiscal year 2000: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2000 unless expressly so provided in this Act.

SEC. 303. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: *Provided*, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 306. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of Public Law 104–1 to pay awards and settlements as authorized under such subsection.

SEC. 307. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed $1,500.

SEC. 308. Section 308 of the Legislative Branch Appropriations Act, 1999 (Public Law 105–275; 112 Stat. 2452) is amended—

(1) in subsection (b), by striking ''(40 U.S.C. 174j–1(b)(1))'' and inserting ''(40 U.S.C. 174j–1 note)'';

(2) in subsection (c), by striking ''(40 U.S.C. 174j–1(c))'' and inserting ''(40 U.S.C. 174j–1 note)''; and

(3) in subsection (d), by striking ''(40 U.S.C. 174j–1(e))'' and inserting ''(40 U.S.C. 174j–1 note)''.

This Act may be cited as the ''Legislative Branch Appropriations Act, 2000''.

The CHAIRMAN. Are there any points of order against the bill?

POINT OF ORDER

Mr. NEY. Mr. Chairman, I raise a point of order against section 107 on page 18, line 19 through page 19, line 15 of H.R. 1905, on the ground that this provision changes existing law in violation of clause 2 of House rule XXI and therefore is legislation included in a general appropriations bill.

Mr. FARR of California. Mr. Chairman, I wish to be heard on the point of order.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from California.

Mr. FARR of California. Mr. Chairman, I object to the high-handedness of my colleagues of the other party who have no qualms at all about including in this bill 30, 30 provisions that legislate on the appropriations bill. Thirty.

Were any of these 30 items subject to a point of order? My colleague just made only one of them, only one of them, a point of order. Just mine, just the recycling program.

Mr. Chairman, if this House truly believes that the rules ought to apply to everyone, then I want to know why the Committee on Rules singled this one out. This provision was adopted in a bipartisan fashion in the committee. My colleagues did not treat the other 30 provisions like they treated this.

The real reason that they are singling this out is they do not like it, they do not want to do recycling. They should tell the world they do not want it, that they do not want to bother with the program.

So they certainly kind of found a way to pervert the process so they did

not have to get into the issue, by raising a point of order.

There are not only 30 provisions in this bill that they are about to vote on that legislate on appropriations, there are eight items that actually change existing law. None of these were subject to a point of order, just one.

I do not think this point of order has merit, and I would hope the chairman would see it as a sham and reject it.

The CHAIRMAN pro tempore. Are there other Members who want to be heard on the point of order?

If not, the Chair will rule.

The gentleman from Ohio (Mr. NEY) makes a point of order that the provision beginning on page 18, line 19 and ending on page 19, line 15 changes existing law in violation of clause 2(b) and rule XXI.

Among other legislative prescriptions, the provision mandates compliance by each Member and employing office of the House of Representatives with the Architect of the Capitol's Office Waste Recycling Program.

The provision changes existing law in violation of clause 2(b) of rule XXI. Accordingly, the point of order is sustained, and section 107 is stricken from the bill.

No amendment shall be in order except the amendment printed in House Report 106–165, the amendment printed in section 2 of House Resolution 190, and pro forma amendments offered by the chairman and ranking minority member of the Committee on Appropriations, or their designees, for the purpose of debate.

The amendment printed in the report may be offered only by a Member designated in the report and the amendment printed in section 2 of the resolution may be offered only by a Member designated in section 2. Each amendment shall be considered read, debatable for 20 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

After a motion that the committee rise has been rejected on a legislative day, the Chairman may entertain another such motion on that day only if offered by the chairman of the Committee on Appropriations or the majority leader or their designee.

After a motion to strike out the enacting words of the bill has been rejected, the Chairman may not entertain another such motion during further consideration of the bill.

AMENDMENT OFFERED BY MR. CAMP

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

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAMP:

Page 10, insert after line 9 the following (and redesignate the succeeding sections accordingly):

SEC. 104. (a) REQUIRING AMOUNTS REMAINING IN MEMBERS' REPRESENTATIONAL ALLOWANCE TO BE USED FOR DEFICIT REDUCTION OR TO REDUCE THE FEDERAL DEBT.—Notwithstanding any other provision of law, any amounts appropriated under this Act for ''HOUSE OF REPRESENTATIVES—SALARIES AND EXPENSES—MEMBERS' REPRESENTATIONAL ALLOWANCES'' shall be available only for fiscal year 2000. Any amount remaining after all payments are made under such allowances for fiscal year 2000 shall be deposited in the Treasury and used for deficit reduction (or, if there is no Federal budget deficit after all such payments have been made, for reducing the Federal debt, in such manner as the Secretary of the Treasury considers appropriate).

(b) PUBLICATION.—After each session of Congress or other period for which the amounts described in subsection (a) are made available, there shall be published in the Congressional Record a statement showing, with respect to such session or period, the amount deposited with respect to each Member under subsection (a) and the total deposited with respect to all Members.

(c) REGULATIONS.—The Committee on House Administration of the House of Representatives shall have authority to prescribe regulations to carry out this section.

(d) DEFINITION.—As used in this section, the term ''Member of the House of Representatives'' means a Representative in, or a Delegate or Resident Commissioner to, the Congress.

The CHAIRMAN pro tempore. Pursuant to House Resolution 190, the gentleman from Michigan (Mr. CAMP) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CAMP).

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

Mr. Chairman, before I begin, I first want to thank my good friend from North Carolina (Mr. TAYLOR), the chairman of the subcommittee, for understanding the importance of this amendment. I also want to thank the Committee on Rules and its chairman, the gentleman from California (Mr. DREIER), for allowing me to bring this important amendment before the House today.

The amendment simply requires that unspent office funds be used for deficit or debt reduction. I believe that many Members are now familiar with this commonsense amendment that former Congressman Dick Zimmer and I first proposed back in 1991. In 1995, a similar amendment was approved on the House floor by an overwhelming margin of 403 to 21. In 1996 and 1997, it was accepted on the floor by the committee chairman. Last year the committee brought the bill to the House floor with this provision already incorporated into the bill.

Mr. Chairman, I believe that this amendment will ensure Members of Congress can demonstrate their personal commitment to a balanced budget. This amendment requires any unspent office funds at the end of the year be used for debt, or if a deficit exists, for deficit reduction. It also requires that specific amounts returned by each office be printed annually in the CONGRESSIONAL RECORD. This has been an incentive for Members to do the best they can with taxpayers' dollars, to be innovative, just as the private sector continues to be.

I thank the gentleman from North Carolina (Mr. TAYLOR) again for considering the Camp-Roemer-Upton amendment, and I urge all Members to support the amendment and the bill.

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

Mr. PASTOR. Mr. Chairman, I claim the time in opposition, and I yield 5 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank my good friend from Arizona (Mr. PASTOR), and obviously as a cosponsor of the amendment, I am not opposed to the amendment but wanted to get 5 minutes to speak in favor of it.

Mr. Chairman, I read a book in college a long time ago called the Dance of Legislation, and it was written by an intern that was up here getting experience on Capitol Hill as the pages that were just in the House well, and he tracked a bill through Congress, and it was a little bill that he thought made a big difference in the way that he could explain in this book the legislative process.

Similarly before us today, we have a big bill that spends a considerable amount of money to my taxpayers in Indiana, back home where I am born and raised, where we can make a big difference with individual decisions that we make in our offices with our Member representational allowances, or MRAs.

This bill that the gentleman from Michigan (Mr. CAMP) and the gentleman from Michigan (Mr. UPTON) and I have worked on for 8 years now allows us in our offices to work as an American family does when they are trying to balance their budgets at the kitchen tables in LaPorte, Indiana; Wakarusa, Indiana; Goshen, Indiana; as a small business struggles to make its decisions meet at the year's end, so that they have a balanced budget. This bill allows us as Members of Congress to function as the American people do across this great country.

Before we got this bill passed several years ago, if a Member worked all year long not to do newsletters, not to subscribe to a certain number of magazines, not to initiate letters to their constituents, that money they saved would simply go back and be reprogrammed and re-spent in other ways by

maybe other Members. This small bill makes a big difference in that it allows us, when we work hard all year long to save money on newsletters or not initiating hundreds of mass mailings to our constituents, and we save that money; this bill, this amendment, allows that money to go to the Treasury to be reprogrammed, not to be re-spent, but to be spent toward the national debt.

The National Taxpayers Union has said now this is not just a little difference. If each Member on average only spends about 89 percent of their allowance, we have tens of millions of dollars saved by this amendment. Tens of millions of dollars; that is a lot of money in Indiana, that is a lot of money to my constituents, and if a Member works hard all year long to save that money, they should be able to have that go to the national debt or deficit reduction rather than be respent on another Member's mail.

□ 2300

I am proud to have worked in a bipartisan way with my friend from the Midwest, the gentleman from Michigan (Mr. CAMP), and the gentleman from Michigan (Mr. UPTON), right next door to me, to show this good Midwestern common sense and a working relationship between Democrats and Republicans. This amendment is sponsored and supported by the National Taxpayers Union, Citizens Against Government Waste, Taxpayers for Common Sense, Citizens for a Sound Economy and the Concord Coalition. So I urge bipartisan support of this bipartisan amendment.

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

Mr. Chairman, I want to thank the gentleman from Indiana for his comments and for his leadership over the years on this issue. He very eloquently stated how this gives each individual Member an incentive to do the right thing, to be innovative, to take responsibility. The old adage ''you better spend all your budget or you won't get it next year'' is proven untrue with this proposal.

Mr. Chairman, I yield 3 minutes to my good friend and colleague, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I rise in support of this bipartisan, common sense amendment. I applaud the efforts of not only our cosponsors, but certainly the leadership shown by my good friend the gentleman from Michigan (Mr. CAMP) and the gentleman from Indiana (Mr. ROEMER) as well. This has been a good effort, where we have succeeded before.

There are 13 different spending bills. As we ask others to tighten their belts, they first look to the Congress too. We want to lead by example.

I know that there has not been a year that I have been here that I have spent all the money that has been allocated to my office. It would be a crime to know that that money was reprogrammed without my wishes or goes to some other member who might have overspent their budget. That is not right. When I do not spend money, I want it to go back to where it came from, the Treasury. I want it to benefit the taxpayers of this country, to reduce the debt. That is what this amendment does.

At one point in my life I had the chance to work for the Office of Management and Budget. I tell you, when I worked there under David Stockman, my predecessor in the Congress, we were able to see the Reagan Administration push through a law here in the Congress that really looked at what the agencies did with their own budgets, because as we looked at their spending, often in September, before the end of the fiscal year, all of a sudden they would have a gigantic leap in their funds. All of a sudden they would see they were not going to spend all of their money and there were just tremendous outlays and purchases that they made to spend all their money.

Guess what? We put a stop to that. We put an amendment forward that was adopted that slowed down the purchases at the end of the fiscal year so in fact if they did save money, that money was not reprogrammed, but it went to reduce at that point the debt and the deficit.

That is what this amendment accomplishes. What this amendment says is that we in the Congress, all of the Members here, through our accounts are going to spend more than $413 million.

The gentleman from Indiana (Mr. ROEMER) was right. The average Members only spend about 90 percent of their budget. Figure out the math. That is tens of millions, tens of millions of dollars each year that we can return to the Treasury. We can not only feel good about that, but it actually does make a dent in reducing the debt.

I would ask all of my colleagues to support this amendment. It makes sense to most of the Members here, certainly to the groups like the National Taxpayers Union and others. It is bipartisan. Clearly we can work together. It is a good idea.

Mr. CAMP. Mr. Chairman, I yield 15 seconds to the gentleman from North Carolina (Mr. TAYLOR), the chairman of the subcommittee.

Mr. TAYLOR of North Carolina. Mr. Chairman, this amendment or some variation has been included for the past several years in the bill. We accept the amendment and we commend the three gentleman for offering it tonight.

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

Mr. Chairman, I want to commend the gentleman from Indiana (Mr. ROEMER). In the spirit of the subcommittee working in a bipartisan manner, you have another example of the gentleman from Indiana (Mr. ROEMER) working with the Republican side to get a bipartisan amendment that has been accepted by the chairman.

I also happen to have read the same book and I was inspired by the same book. My expectation, Mr. Chairman, was taking this simple bill, the simplest bill of 13 appropriation bills, and maybe writing about this legislation and developing a small booklet so that these pages could be taken home. But after the different dance steps I have learned in the last couple of days and most recently the last couple of hours, I am about to finish filing Number 1.

Mr. HILL of Indiana. Mr. Chairman, I rise to support this amendment because it allows Congress to lead by example.

Members who are frugal and able to return a portion of their office allowances should have the right to designate unspent office funds for deficit reduction or to pay down the national debt.

This amendment ensures that unspent Congressional office funds are returned directly to the U.S. Treasury rather than accumulating in a contingency fund for the leadership.

Mr. Chairman, our national debt now stands at more than 5.6 trillion dollars. The interest payments on this debt are the government's second highest budget expenditure.

One of the best things we can do for our country right now is pay off our debts. As our government stops borrowing so much money, there will be more money at lower interest rates for the American people.

I suggest we pass this amendment so that unspent office funds contribute to economically strengthening our nation.

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

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. CAMP).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. YOUNG OF FLORIDA

Mr. YOUNG of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. YOUNG of Florida:

On Page 38 before line 4 add the following new section:

SEC. . Notwithstanding any other provision of this Act, appropriations under this Act for the following agencies and activities are reduced by the following respective amounts: House of Representatives, Salaries and Expenses, $29,135,000, from which the following accounts are to be reduced by the following amounts:

House Leadership Offices, $142,000;

Members' Representational Allowances Including Members' Clerk Hire, Official Expenses of Members, and Official Mail, $28,297,000;

Committee on Appropriations, $213,000;

Salaries, Officers and Employees, $483,000 to be derived from other authorized employees;

Architect of the Capitol, Capitol Buildings and Grounds, Capitol Buildings, Salaries and Expenses, $1,465,000;

Architect of the Capitol, Capitol Buildings and Grounds, House Office Buildings, $3,400,000;

Architect of the Capitol, Capitol Buildings and Grounds, Capitol Power Plant, $4,400,000;

Library of Congress, Congressional Research Service, Salaries and Expenses, $315,000;

Government Printing Office, Congressional Printing and Binding, $4,147,000;

Library of Congress, Salaries and Expenses, $685,000;

Library of Congress, Furniture and Furnishings, $5,415,000;

Architect of the Capitol, Library Buildings and Grounds, Structural and Mechanical Care, $3,372,000; and

General Accounting Office, Salaries and Expenses, $1,500,000:

Provided, That the amount reduced under House of Representatives, House Leadership Offices, shall be distributed among the various leadership offices as approved by the Committee on Appropriations:

Provided further, That the amount to remain available under the heading Architect of the Capitol, Capitol Buildings and Grounds, Capitol Buildings, Salaries and Exchanges, is reduced by $1,465,000; the amount to remain available under the heading Architect of the Capitol, Capitol Buildings and Grounds, House Office Building, is reduced by $3,400,000; and the amount to remain available under the heading Architect of the Capitol, Library Buildings and Grounds, Structural and Mechanical Care, is reduced by $4,000,000.

The CHAIRMAN. Pursuant to House Resolution 190, the gentleman from Florida (Mr. YOUNG) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I plan to not consume much time, because most of the debate today has been about this amendment as opposed to the bill itself, so I think everyone pretty much understands what the amendment does. I would be happy to respond to any questions if someone has specific questions.

Mr. Chairman, I wanted to say to the gentleman from North Carolina (Chairman TAYLOR) that he has done a really fine job on this bill. I was able to spend some time with the gentleman as he went through this process, and this is his first time as chairman of this subcommittee. He has done a really good job.

The gentleman from Arizona (Mr. PASTOR) has been an able partner all the way through the process. It was a real joy to watch them as they presented this bill to the Committee on Appropriations. In a very friendly and very nonpartisan-bipartisan way, the committee took their recommendations, and we have the bill before us.

This amendment does create a little difference of opinion on the bill because it makes reductions. It makes reduction of a total of $54 million out of this bill. Most of the cuts hit practically all of the accounts in the bill, and the one major reduction in this amendment has to do with Members' representational allowances, the funds that are made available to Members to conduct the affairs of their Congressional office.

I want to congratulate and compliment, and I hope people will listen to this, the Members of this House because, Mr. Chairman, here is a table that shows how much each Member used and actually spent of their representational allowance in the last year.

Mr. Chairman, I am proud to report that of our 435 Members, 420 of our colleagues in this House did not spend all of the money allocated to them by this legislative appropriations bill. So they practiced fiscal restraint. Some were more restrained than others, but they have different responsibilities in their districts and in their Congressional offices. But the House has done a good job in keeping these expenditures down.

Mr. Chairman, the reduction that this amendment makes, in my opinion, is not going to cause any great harm. As a matter of fact, it is very compatible with the amendment just adopted that says the surplus in these funds not spent would go to pay down the national debt. Well, the effect is basically the same here. The only thing is we take it up front rather than at the end of the process.

By taking it up front, let me report this good news to my colleagues, and I hope they will listen to this as well, after having spent about four days on two appropriations bills on the floor and having great debate over this amendment and one amendment on the agriculture bill, I am happy to report to all of my colleagues that after all of that straining and working, we will, upon adoption of this amendment, have saved $156 million to apply toward that $17 billion number we are trying to get to. So with the adoption of this amendment, we only have $16,850,000,000 to go in order to arrive where we have to arrive in order to stay within the budget cap that all of us have said is exactly what we are going to do.

□ 2310

So, Mr. Chairman, I hope we can expedite the consideration of this amendment and get on to passing this bill.

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

The CHAIRMAN. Does any Member rise in opposition?

Mr. PASTOR. I rise in opposition, Mr. Speaker.

The CHAIRMAN. The gentleman from Arizona (Mr. PASTOR) is recognized for 5 minutes in opposition to the amendment.

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

Mr. Chairman, they tell me that reasonable men will differ, and being reasonable, I am sure that we will have some differences. I do, but first before I point out the differences, I would like to also commend the gentleman from Florida (Chairman YOUNG).

In the way he treats our membership in the two bills that have been reported out, agriculture and now the leg branch, he has done it in a very bipartisan manner, and I want to commend him for the fairness with which he has dealt with our side. He has been a very fair gentleman. I want to commend him on that.

I asked someone to look at the figure of the reduction, which is approximately about $28 million, and the reduction of the MRA account. It runs about $60,000 to $65,000 per Member. We believe that that cut, which will affect our staff, is too drastic.

When asked to cut this bill in a bipartisan manner, we offered $12 million, even though we knew it was going to be hard. We were told it was not enough, so we offered another amount of dollars that totalled $30 million. That was not enough.

We feel that the additional approximately $30 million is too much and will affect the effectiveness of our offices, especially in the ability to make sure that our employees, who work long hours, they work very hard, will be treated like other employees in the House and the Federal government and will be able to receive a fair cost of living adjustment.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. PASTOR. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to say that for the vast majority of us on this side of the aisle, our concern is not with the amount that is cut. Our concern is where those cuts fall.

I honestly believe, as the gentleman from Arizona (Mr. PASTOR) has said, the chairman of the Committee on Appropriations is a very fair-minded and balanced person. I think that if the committee had been allowed to work out on a bipartisan basis where these cuts were made, we could have come up with a far more equitable distribution than the one that is before us tonight.

I would also say that I think the leadership on both sides has an obligation to treat rank and file Members the way they would like to be treated themselves. That has not happened in the way these cuts have been laid out tonight.

I would make one other point. If we compare the salaries that are paid to staff persons for rank and file Members of the House versus salaries paid to persons with those same responsibilities in the Senate, Members will see

that on average the Senate pays people for those same salaries about 20 percent more for a legislative director or a legislative assistant and for other positions of high responsibility.

I think there are severe implications to that differential that do not adequately represent the interests of this body, and I would urge that when these actions are taken, that we remember the context in which they are taken. Because if we do not do that, we are asking our staff members to make sacrifices that are not being asked of other staffers, and in many cases are not being asked of ourselves.

Mr. PASTOR. Mr. Chairman, I would ask that every Member of this House who knows his or her staff the best give some thought to see how this amendment would affect their personal staff, and realize that the impact and the hardship will be borne by the men and women that we bring up here. We ask them to work hard, and they deserve a better break.

Mr. Chairman, I would ask opposition to this amendment, and I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would simply ask the Members to support this amendment, and then to support the bill. Before I yield back, Mr. Chairman, I wonder if I could invite my friend, my colleague, and the ranking member, the gentleman from Wisconsin (Mr. OBEY), to meet me at the well halfway.

Mr. Chairman, we are very unhappy that we had to disappoint the gentleman from Wisconsin (Mr. OBEY) and Mrs. Obey on the planned celebration of their 37th wedding anniversary, so we on the majority side have provided this handmade card to my friend, the gentleman from Wisconsin (Mr. OBEY), to him and Joan in recognition of their 37th anniversary, signed by the gentleman's colleagues on the other side.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the chairman. Let me simply say that I am not the only Member of the House tonight trying to celebrate his anniversary. One other Member has come up to me with the same problem.

I would simply thank my colleagues on the other side, and say that I hope this is a demonstration of the fact that we can fight over substance but still get along as friends.

Mr. YOUNG of Florida. Mr. Chairman, I ask for a vote on the amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. YOUNG).

The amendment was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. UPTON) having assumed the chair, Mr. HANSEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1905) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2000, and for other purposes, pursuant to House Resolution 190, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

The bill was ordered to be engrossed and read the third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I offer a motion to recommit with instructions.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. OBEY. I certainly am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. OBEY moves to recommit the bill H.R. 1905 to the Committee on Appropriations with instructions that the bill not be reported back if it does not reduce the bill by an amount at least equal to the average reduction required pursuant to the budget 302(b) allocation process for all domestic discretionary programs, including veterans medical care, elementary and secondary education, student financial assistance, biomedical research, law enforcement, transportation safety, and environmental protection; and shall make equal reductions in accounts for members' offices, leadership offices, and committees.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, I think the motion speaks for itself. I will simply again re-read the language so that the Members understand what the motion contains.

It simply recommits the bill back to the committee with instructions that the bill not be reported if it does not reduce the bill by an amount at least equal to the average reduction required pursuant to the budget 302(b) allocation process for all domestic discretionary programs, including veterans' medical care, elementary and secondary education, student financial assistance, biomedical research, law enforcement, transportation safety, and environmental protection, and it requires that when the bill does come back, it also makes equal reductions in accounts for Members' offices, leadership offices, and the committees, rather than having the full internal cost of these reductions fall only on the office of rank and file Members.

□ 2320

If this is adopted, it would make sure that this bill does not get out of the gate before we actually see the hole card and know how much people are going to be asking us to cut veterans, to cut education programs and other programs of serious concern to our constituents.

It would be eminently fair to both our constituents and to the rank and file Members of this House and most importantly fair to the people who work for those rank and file Members.

The SPEAKER pro tempore (Mr. UPTON). Does the gentleman from North Carolina (Mr. TAYLOR) rise in opposition to the motion to recommit?

Mr. TAYLOR of North Carolina. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of North Carolina. Mr. Speaker, there is no dollar amount connected with this amendment. The amendment kills the bill. I am going to work with the gentleman from California (Mr. FARR) in certain areas that he brought up. We support the amendment of the gentleman from Florida (Mr. YOUNG) and the work that he has done.

So I would urge my colleagues to oppose and vote against the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 198, nays 214, not voting 23, as follows:

[Roll No. 202]

YEAS—198

Abercrombie	Berman	Brown (FL)
Ackerman	Berry	Brown (OH)
Allen	Bishop	Capps
Andrews	Blagojevich	Capuano
Baird	Blumenauer	Cardin
Baldacci	Bonior	Carson
Baldwin	Borski	Clayton
Barcia	Boswell	Clement
Barrett (WI)	Boucher	Clyburn
Becerra	Boyd	Condit
Berkley	Brady (PA)	Costello

Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Ose
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—23

Bentsen
Bono
Brown (CA)
Buyer
Clay
Conyers
Cooksey
Graham
Green (TX)
Hilleary
Kasich
Kennedy
Largent
Lofgren
Luther
Martinez
Millender-McDonald
Neal
Nethercutt
Oxley
Rangel
Roukema
Shuster

□ 2341

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. UPTON). The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 214, nays 197, not voting 24, as follows:

[Roll No. 203]

YEAS—214

Abercrombie
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Coble
Coburn
Collins
Combest
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Hoeffel
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Ose
Packard
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—197

Ackerman
Aderholt
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Rothman

Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Scott
Serrano
Shays
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—24

Bentsen
Bono
Brown (CA)
Buyer
Clay
Conyers
Cooksey
Dicks
Graham
Green (TX)
Hilleary
Kasich
Kennedy
Largent
Lofgren
Luther
Martinez
Neal
Nethercutt
Oxley
Rangel
Roukema
Shuster
Towns

□ 2358

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H.R. 1905, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. (Mr. UPTON). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

APPOINTMENT AS MEMBER TO ADVISORY COMMITTEE ON RECORDS OF CONGRESS

The SPEAKER pro tempore. Without objection, and pursuant to 44 U.S.C. 2702, the Chair announces the Speaker's appointment of the following member on the part of the House to the Advisory Committee on the Records of Congress:

Mr. Timothy J. Johnson, Minnetonka, Minnesota.

There was no objection.

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:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, June 10, 1999.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the provisions of 44 U.S.C. 2702, I hereby appoint as a member of the Advisory Committee on the Records of Congress the following person: Susan Palmer, Aurora, IL.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk.

ADJOURNMENT TO MONDAY, JUNE 14, 1999

Mr. HULSHOF. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HULSHOF. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HILLEARY (at the request of Mr. ARMEY) for today on account of personal reasons.

Mrs. BONO (at the request of Mr. ARMEY) for today and the balance of the week on account of attending her son's graduation.

Ms. LOFGREN (at the request of Mr. GEPHARDT) for today and the balance of the week on account of personal business.

Mr. LUTHER (at the request of Mr. GEPHARDT) for today after 2 p.m. on account of attending daughter's graduation.

Mrs. CLAYTON (at the request of Mr. GEPHARDT) for today between 2 p.m. and 8 p.m. on account of personal reasons.

Mr. ENGEL (at the request of Mr. GEPHARDT) for after 1 p.m. today on account of attending daughter's graduation.

Mr. BENTSEN (at the request of Mr. GEPHARDT) for after 6:30 p.m. Thursday, June 10, on account of family business.

Mr. GREEN of Texas (at the request of Mr. GEPHARDT) for after 6:30 p.m. today on account of personal reasons.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that the committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker.

H.R. 435. An act to make miscellaneous and technical changes to various trade laws, and for other purposes.

ADJOURNMENT

Mr. HULSHOF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until Monday, June 14, 1999, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

2571. A letter from the Administrator, Agricultural Marketing Services, Department of Agriculture, transmitting the Department's final rule—Peanut Promotion, Research, and Information Order; Procedures [Docket No. FV–98–703–FR] received April 23, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2572. A letter from the Secretary of Defense, transmitting the approval of the retirement of General Johnnie E. Wilson, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

2573. A letter from the Secretary of Defense, transmitting the approval of the retirement of General Richard E. Hawley, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

2574. A letter from the Ambassador, Embajada De Bolivia, transmitting a report on counter-narcotics efforts; to the Committee on International Relations.

2575. A letter from the Comptroller General, transmitting a list of reports from the previous month; to the Committee on Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEACH: Committee on Banking and Financial Services. Supplemental report on H.R. 10. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers, and for other purposes (Rept. 106–74 Pt. 2).

Mr. GEKAS: Committee on the Judiciary. H.R. 916. A bill to make technical amendments to section 10 of title 9, United States Code (Rept. 106–181). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LANTOS (for himself, Mr. CAMPBELL, Mr. PORTER, Mr. ACKERMAN, Mr. BARRETT of Wisconsin, Mr. BERMAN, Mr. BONIOR, Mr. BRADY of Pennsylvania, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. DAVIS of Illinois, Mr. DELAHUNT, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. JACKSON of Illinois, Ms. KAPTUR, Ms. KILPATRICK, Mr. KUCINICH, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LOFGREN, Mrs. LOWEY, Ms. MCKINNEY, Mrs. MALONEY of New York, Mr. MCGOVERN, Mr. MATSUI, Mr. GEORGE MILLER of California, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. OWENS, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. PHELPS, Mr. RANGEL, Mr. RUSH, Ms. SANCHEZ, Mr. SANDERS, Ms. SCHAKOWSKY, Mr. SHERMAN, Mr. STARK, Mr. STRICKLAND, Mr. THOMPSON of Mississippi, Mr. TIERNEY, Mr. UNDERWOOD, Ms. VELÁZQUEZ, Mr. VENTO, Ms. WOOLSEY, and Mr. WYNN):

H.R. 2119. A bill to amend the Fair Labor Standards Act of 1938 to reform the provisions relating to child labor; to the Committee on Education and the Workforce.

By Mr. GREENWOOD (for himself, Mrs. LOWEY, Mrs. JOHNSON of Connecticut, Mr. WAXMAN, Mrs. KELLY, Mr. BROWN of Ohio, Mrs. ROUKEMA, Mr. BOUCHER, Ms. PRYCE of Ohio, Mr. TOWNS, Mrs. MORELLA, Mr. PALLONE, Mr. BILBRAY, Ms. PELOSI, Mr. HORN, Ms. DELAURO, Mr. BOEHLERT, Ms. DEGETTE, Mr. LEACH, Ms. WOOLSEY, Mr. SHAYS, Mr. MARKEY, Mr. COOK, Mr. CLAY, Mr. OSE, and Mr. GEORGE MILLER of California):

H.R. 2120. A bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans; to the Committee on Education and the Workforce, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BONIOR (for himself, Mr. CAMPBELL, Mr. BARR of Georgia, and Mr. CONYERS):

H.R. 2121. A bill to ensure that no alien is removed, denied a benefit under the Immigration and Nationality Act, or otherwise deprived of liberty, based on evidence that is kept secret from the alien; to the Committee on the Judiciary.

By Mr. MCCOLLUM (for himself and Mr. HYDE):

H.R. 2122. A bill to require background checks at gun shows, and for other purposes; to the Committee on the Judiciary.

By Mr. BALDACCI (for himself and Mr. ALLEN):

H.R. 2123. A bill to amend title XVIII of the Social Security Act to provide for a special rule for long existing home health agencies with partial fiscal year 1994 cost reports in calculating the per beneficiary limits under the interim payment system for such agencies; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BALLENGER (for himself, Mrs. JOHNSON of Connecticut, Mrs. THURMAN, Mr. RAMSTAD, Mr. ROHRABACHER, and Mr. LEVIN):

H.R. 2124. A bill to amend the Internal Revenue Code of 1986 and Employee Retirement Income Security Act of 1974 in order to promote and improve employee stock ownership plans; to the Committee on Ways and Means.

By Ms. JACKSON-LEE of Texas (for herself, Mr. BARCIA, Mrs. MEEK of Florida, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. RANGEL, Ms. LEE, Mr. FRANK of Massachusetts, Ms. BERKLEY, Ms. SCHAKOWSKY, Mr. GUTIERREZ, Mr. REYES, Mr. MENENDEZ, Mr. MEEKS of New York, Ms. KILPATRICK, Mr. ENGEL, Mr. SERRANO, Mr. JACKSON of Illinois, and Mrs. NAPOLITANO):

H.R. 2125. A bill to repeal the limitation on judicial jurisdiction imposed by section 377 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on the Judiciary.

By Ms. BERKLEY (for herself and Mr. UDALL of Colorado):

H.R. 2126. A bill to improve academic and social outcomes for students and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities during after school hours; to the Committee on Education and the Workforce.

By Mr. BLAGOJEVICH (for himself, Mr. WAXMAN, and Ms. NORTON):

H.R. 2127. A bill to amend the Internal Revenue Code of 1986 to regulate certain 50 caliber sniper weapons in the same manner as machine guns and other firearms; to the Committee on Ways and Means.

By Mr. BRADY of Texas (for himself, Mr. KASICH, Mr. TURNER, Mr. DOGGETT, Ms. DUNN, Mr. STENHOLM, Mr. PETERSON of Minnesota, Mr. SESSIONS, Mr. RODRIGUEZ, Ms. GRANGER, Mr. PICKERING, Mr. HILL of Montana, Mr. GOODE, Mr. BOEHNER, Mr. SMITH of Texas, Mr. SALMON, Mr. ROGAN, Mr. SCARBOROUGH, Mr. SCHAFFER, Mr. PITTS, Mr. THORNBERRY, Mr. GREEN of Texas, Mr. DOOLITTLE, Mr. POMBO, Mr. ISTOOK, Mr. HALL of Texas, Mrs. MYRICK, Mr. COOK, Mr. SOUDER, Mr. COOKSEY, Mr. SAM JOHNSON of Texas, Mr. COMBEST, Mr. BONILLA, Mr. BLUNT, Mr. HERGER, Mr. HUTCHINSON, Mr. MINGE, Mr. BARTON of Texas, Mrs. CHENOWETH, Mr. PAUL, Mr. ENGLISH, Mr. COBURN, Mr. TIAHRT, Mr. LUCAS of Oklahoma, Mr. PETERSON of Pennsylvania, Mr. WELDON of Florida, Mr. TAUZIN, Mr. SUNUNU, Mr. ROMERO-BARCELO, Mr. ROYCE, Mr. MCINTYRE, Mr. CAMPBELL, Mr. NETHERCUTT, Mr. OXLEY, Mr. HILLEARY, Mr. MILLER of Florida, Mr. GOODLATTE, Mr. GRAHAM, Mr. BENTSEN, Ms. DANNER, Mr. NORWOOD, Mr. TANCREDO, Mr. GARY MILLER of California, Mr. GREEN of Wisconsin, Mr. HOEFFEL, Mr. STEARNS, Mr. HOEKSTRA, Mr. EWING, Mr. SANFORD, Mr. BACHUS, and Mr. HOBSON):

H.R. 2128. A bill to provide for the periodic review of the efficiency and public need for Federal agencies, to establish a Commission for the purpose of reviewing the efficiency and public need of such agencies, and to provide for the abolishment of agencies for which a public need does not exist; to the Committee on Government Reform.

By Mr. BURR of North Carolina (for himself, Mr. GREENWOOD, Mr. HALL of Texas, Mr. UPTON, Mr. STRICKLAND, Mr. EHRLICH, Mr. TOWNS, Mr. SHADEGG, Mr. BOUCHER, Mr. PICKERING, Mr. FORD, Mr. SHIMKUS, Mr. WYNN, and Mr. BLUNT):

H.R. 2129. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes; to the Committee on Commerce.

By Mr. UPTON (for himself, Mr. STUPAK, Ms. JACKSON-LEE of Texas, and Mr. BLILEY):

H.R. 2130. A bill to amend the Controlled Substances Act to add gamma hydroxybutyric acid and ketamine to the schedules of control substances, to provide for a national awareness campaign, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CALVERT:

H.R. 2131. A bill to amend the Endangered Species Act of 1973 to prohibit the imposition under that Act of any requirement to mitigate for the impacts of activities that occurred in the past; to the Committee on Resources.

By Mr. COBLE:

H.R. 2132. A bill to suspend temporarily the duty on Cibacron Red LS-B HC; to the Committee on Ways and Means.

H.R. 2133. A bill to suspend temporarily the duty on Cibacron Brilliant Blue FN-G; to the Committee on Ways and Means.

H.R. 2134. A bill to suspend temporarily the duty on Cibacron Scarlet LS–2G HC; to the Committee on Ways and Means.

H.R. 2135. A bill to suspend temporarily the duty on MUB 738 INT; to the Committee on Ways and Means.

By Mr. COLLINS (for himself and Mr. BACHUS):

H.R. 2136. A bill to amend the Internal Revenue Code of 1986 to provide that the capital gain treatment under section 631(b) of such Code shall apply to outright sales of timber held for more than 1 year; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. RANGEL, Mrs. JOHNSON of Connecticut, Mr. ROMERO-BARCELO, and Mr. WELLER):

H.R. 2137. A bill to amend the Internal Revenue Code of 1986 to extend the research and development tax credit to research in the Commonwealth of Puerto Rico and the possessions of the United States; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. RANGEL, Mr. ROMERO-BARCELO, and Mr. WELLER):

H.R. 2138. A bill to amend the Internal Revenue Code of 1986 to extend and modify the credits for businesses operating in Puerto Rico and other possessions of the United States; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. RANGEL, Mr. ROMERO-BARCELO, Mrs. CHRISTENSEN, Mr. HAYWORTH, Mr. ENGLISH, Mr. FOLEY, and Mr. WELLER):

H.R. 2139. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation of the cover over of tax on distilled spirits, and for other purposes; to the Committee on Ways and Means.

By Mr. DEAL of Georgia (for himself, Mr. COLLINS, and Mr. LEWIS of Georgia):

H.R. 2140. A bill to improve protection and management of the Chattahoochee River National Recreation Area in the State of Georgia; to the Committee on Resources.

By Mr. ENGLISH (for himself and Mr. HULSHOF):

H.R. 2141. A bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on the deduction for interest on education loans, to increase the income threshold for the phase out of such deduction, and to repeal the 60-month limitation on the amount of such interest that is allowable as a deduction; to the Committee on Ways and Means.

By Mr. ENGLISH:

H.R. 2142. A bill to suspend for 3 years the duty on fenbuconazole; to the Committee on Ways and Means.

H.R. 2143. A bill to suspend for 3 years the duty on 2,6-dichlorotoluene; to the Committee on Ways and Means.

H.R. 2144. A bill to suspend for 3 years the duty on 3–Amino-3-methyl-1-pentyne; to the Committee on Ways and Means.

H.R. 2145. A bill to suspend for 3 years the duty on triazamate; to the Committee on Ways and Means.

H.R. 2146. A bill to suspend for 3 years the duty on methoxyfenozide; to the Committee on Ways and Means.

By Mr. FRANKS of New Jersey:

H.R. 2147. A bill to suspend until December 31, 2002, the duty on cyclic olefin copolymer resin; to the Committee on Ways and Means.

By Mr. GREEN of Texas (for himself, Mr. BLILEY, Mr. DINGELL, and Mr. CLAY):

H.R. 2148. A bill to make technical corrections regarding the applicability of certain amendments made by Public Law 105–392 to the Health Education Assistance Program under the Public Health Service Act; to the Committee on Commerce.

By Mr. HOYER (for himself, Mr. GREENWOOD, Mrs. TAUSCHER, Mr. BOUCHER, Mr. KIND, Mrs. MORELLA, Mr. VENTO, Mr. BALDACCI, Mrs. THURMAN, Mr. HINCHEY, Mr. WYNN, Mr. SMITH of Washington, Mr. LUTHER, Ms. SANCHEZ, Ms. MCCARTHY of Missouri, Mr. MALONEY of Connecticut, Ms. STABENOW, Mr. KOLBE, Mr. BOEHLERT, Mrs. JOHNSON of Connecticut, Ms. KILPATRICK, Mr. ABERCROMBIE, Mr. BENTSEN, and Mr. MENENDEZ):

H.R. 2149. A bill to prohibit certain abortions; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JENKINS:

H.R. 2150. A bill to suspend temporarily the duty on 1-fluoro-2-nitro benzene; to the Committee on Ways and Means.

H.R. 2151. A bill to suspend temporarily the duty on thionyl chloride; to the Committee on Ways and Means.

H.R. 2152. A bill to suspend temporarily the duty on TEOF (triethyl orthoformate); to the Committee on Ways and Means.

H.R. 2153. A bill to suspend temporarily the duty on PHBA (phydroxybenzoic acid); to the Committee on Ways and Means.

H.R. 2154. A bill to suspend temporarily the duty on myristic acid (tetrabecanoic acid); to the Committee on Ways and Means.

H.R. 2155. A bill to suspend temporarily the duty on THQ (Toluhydroquinone); to the Committee on Ways and Means.

By Mr. LAFALCE (for himself, Mr. VENTO, Mr. FRANK of Massachusetts, Mr. KANJORSKI, Mr. BENTSEN, and Mr. INSLEE):

H.R. 2156. A bill to amend Title VI of the Consumer Credit Protection Act to permit consumers to restrict the sharing of confidential financial and personal information for purposes of telemarketing, by restricting sharing of credit card and deposit account numbers, by enhancing regulatory enforcement, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. LUCAS of Kentucky:

H.R. 2157. A bill to commission a study by the Federal Trade Commission of the marketing practices of the motion picture, recording, and video/personal computer game industries; to the Committee on Commerce.

By Mr. MCCRERY:

H.R. 2158. A bill to amend the Internal Revenue Code of 1986 to modify the tax on generation-skipping transfers to eliminate certain traps for the unwary and otherwise improve the fairness of such tax; to the Committee on Ways and Means.

By Mr. MCCRERY (for himself, Mr. HERGER, Mr. JEFFERSON, and Mr. ABERCROMBIE):

H.R. 2159. A bill to amend the Merchant Marine Act, 1936 and the Internal Revenue Code of 1986 to revitalize the international competitiveness of the United States-flag merchant marine; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and 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 Mr. MCNULTY:

H.R. 2160. A bill to suspend temporarily the duty on certain chemical compounds; to the Committee on Ways and Means.

By Ms. MILLENDER-MCDONALD (for herself, Mr. EHRLICH, Mr. WEINER, Mr. FORD, Ms. BERKLEY, Mr. HASTINGS of Florida, Mr. OWENS, Ms. DANNER, Mr. SMITH of Washington, Ms. KILPATRICK, Ms. BROWN of Florida, Mr. THOMPSON of Mississippi, Mr. BLAGOJEVICH, Mr. DAVIS of Illinois, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. MCGOVERN, Mr. RANGEL, Ms. DELAURO, Mr. PALLONE, Mrs. CLAYTON, Ms. CARSON, Mr. LANTOS, Mr. WYNN, Mr. BARRETT of Wisconsin, Mr. MARTINEZ, Mr. LEWIS of Georgia, Ms. NORTON, Mr. FALEOMAVAEGA, Mr. GUTIERREZ, Ms. RIVERS, and Mr. LUTHER):

H.R. 2161. A bill to amend title 18 of the United States Code to prohibit shipping alcohol to minors; to the Committee on the Judiciary.

By Mr. GARY MILLER of California (for himself, Mr. HOLT, Mr. METCALF, Mr. ENGLISH, Mr. UNDERWOOD, Mr. PETERSON of Minnesota, Mr. CALVERT, Mrs. MORELLA, and Mr. BAKER):

H.R. 2162. A bill to prohibit the use of the equipment of an electronic mail service provider to send unsolicited commercial electronic mail in contravention of the provider's posted policy and to prohibit unauthorized use of Internet domain names; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Mr. ENGEL, Mr. WEINER, Mr. BOEHLERT, Mr. SERRANO, Mrs. LOWEY, Mr. MEEKS of New York, Mrs. MALONEY of New York, Mr. TOWNS, Mr. FORBES, Mr. ACKERMAN, Mr. OWENS, Mr. HINCHEY, Mr. CROWLEY, and Mr. MCNULTY):

H.R. 2163. A bill to designate the United States courthouse located at 500 Pearl Street in New York City, New York, as the ''Ted Weiss United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. PETERSON of Minnesota:

H.R. 2164. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable and to provide for advance payments of such credit; to the Committee on Ways and Means.

By Mr. PORTER:

H.R. 2165. A bill to suspend temporarily the duty on certain compound optical microscopes; to the Committee on Ways and Means.

By Mr. PORTER (for himself, Mr. BILBRAY, Mr. ABERCROMBIE, Mr. BOEHLERT, Mr. MORAN of Virginia, Mr. WYNN, Mr. MATSUI, Mr. BONIOR, Mr. CAPUANO, Mr. BEREUTER, Mr. LEWIS of Georgia, Ms. PELOSI, Mr. BLAGOJEVICH, Mrs. KELLY, Mr. GUTIERREZ, Mrs. LOWEY, Mr. MALONEY of Connecticut, Mr. BATEMAN, Mr. TIERNEY, Mr. ENGLISH, Mr. LANTOS, Mr. WEXLER, Mr. STARK, Mr. LIPINSKI, Mr. ISAKSON, Mr. GREENWOOD, Mr. DICKS, Mr. GEORGE MILLER of California, Ms. SLAUGHTER, Mr. LAMPSON, Mr. WHITFIELD, Mr. GILMAN, Mr. FRANK of Massachusetts, Mr. BENTSEN, Mr. LEACH, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. HINCHEY, Mr. FRANKS of New Jersey, Ms. ESHOO, Mr. PALLONE, Mrs. MORELLA, Mr. SHERMAN, Mr. HORN, Mr. TOWNS, Mr. BOUCHER, Mr. ANDREWS, Ms. DELAURO, Mr. ROTHMAN, Mr. BROWN of California, and Mrs. JOHNSON of Connecticut):

H.R. 2166. A bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes; to the Committee on Resources, and in addition to the Committees on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD:

H.R. 2167. A bill to suspend temporarily the duty on parts of certain magnetrons; to the Committee on Ways and Means.

H.R. 2168. A bill to temporarily reduce the duty on certain cathode-ray tubes; to the Committee on Ways and Means.

H.R. 2169. A bill to temporarily suspend the duty on certain cathode-ray tubes; to the Committee on Ways and Means.

By Mr. RANGEL (for himself, Mr. FOLEY, Mr. CARDIN, Mr. MATSUI, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. COYNE, Mr. JEFFERSON, Mr. LOBIONDO, Mr. DICKS, and Mrs. MEEK of Florida):

H.R. 2170. A bill to amend section 2007 of the Social Security Act to provide grant funding for additional Empowerment Zones, Enterprise Communities, and Strategic Planning Communities, and for other purposes; to the Committee on Ways and Means.

By Mr. ROEMER (for himself, Mr. UPTON, Mr. CAMP, Mr. BARRETT of Wisconsin, Mr. GOSS, Mr. DEAL of Georgia, Ms. KAPTUR, Ms. RIVERS, Ms. LOFGREN, Mr. NETHERCUTT, Mr. GOODE, Mr. KILDEE, Mr. BALDACCI, Mr. LUTHER, Mr. MINGE, Mr. MCHUGH,

Mr. SHOWS, Mr. SMITH of Washington, Mr. STEARNS, Mr. SANFORD, Mr. FOLEY, Mr. LEACH, Ms. SLAUGHTER, Mr. BENTSEN, Mr. STRICKLAND, Mrs. THURMAN, Mr. COOK, Mr. BROWN of Ohio, Mr. HILL of Indiana, Mr. PORTER, Mr. CASTLE, Mr. TIAHRT, Mrs. MORELLA, Mr. GOODLING, Mr. GRAHAM, Mr. RAMSTAD, Mr. CALVERT, Mr. INSLEE, Mrs. FOWLER, Mr. PHELPS, Mr. CLEMENT, Mr. SOUDER, Mr. KUYKENDALL, Mr. GEKAS, Mr. KIND, Mr. QUINN, Mr. COBLE, Mrs. KELLY, Mr. ENGLISH, Mr. MCNULTY, Mr. POMEROY, Mr. CRAMER, and Ms. CARSON):

H.R. 2171. A bill to require any amounts appropriated for Members' Representational Allowances for the House of Representatives for a fiscal year that remain after all payments are made from such Allowances for the year to be deposited in the Treasury and used for deficit reduction or to reduce the Federal debt; to the Committee on House Administration.

By Mr. SALMON (for himself, Mr. ANDREWS, Mr. SAXTON, Mr. FORBES, Mr. MCGOVERN, and Mr. GILMAN):

H.R. 2172. A bill to require the Secretary of State to report on United States citizens injured or killed by certain terrorist groups; to the Committee on International Relations.

By Mr. SALMON (for himself, Mr. BAKER, Mr. GRAHAM, Mr. CUNNINGHAM, Mr. STUMP, Mr. PAUL, Mr. GOSS, Mr. CAMPBELL, Mr. ROYCE, Mr. HOEKSTRA, Mr. SOUDER, Mr. COOKSEY, Mr. COBURN, Mr. MCCRERY, Mrs. KELLY, Mr. FOLEY, Mr. HAYWORTH, Mr. BARTON of Texas, Mr. SESSIONS, Mr. SENSENBRENNER, and Mr. CALVERT):

H.R. 2173. A bill to amend title XVIII of the Social Security Act to remove the sunset and numerical limitation on Medicare participation in Medicare+Choice medical savings account (MSA) plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 2174. A bill to amend title XVIII of the Social Security Act to require the governing boards and compensation committees of Medicare national accrediting entities have public representation and the governing boards have public meetings as a condition of recognizing their accreditation under the Medicare Program; to the Committee on Ways and Means.

By Mr. STARK (for himself, Ms. NORTON, Mr. BISHOP, and Ms. DELAURO):

H.R. 2175. A bill to improve the quality of child care, and for other purposes; to the Committee on Education and the Workforce, 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. THOMAS:

H.R. 2176. A bill to amend the Harmonized Tariff Schedule of the United States to modify the tariff treatment of certain categories of raw cotton; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 2177. A bill to designate the James Peak Wilderness in the Arapaho National Forest in the State of Colorado, and for other purposes; to the Committee on Resources.

H.R. 2178. A bill to designate as wilderness certain lands within the Rocky Mountain National Park in the State of Colorado; to the Committee on Resources.

H.R. 2179. A bill to provide for the management as open space of certain lands at the Rocky Flats Environmental Technology Site, Colorado, and for other purposes; to the Committee on Resources, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 2180. A bill to require the establishment of regional consumer price indices to compute cost-of-living increases under the programs for Social Security and Medicare and other medical benefits under titles II and XVIII of the Social Security Act; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself and Mr. SAXTON):

H.R. 2181. A bill to authorize the Secretary of Commerce to acquire and equip fishery survey vessels; to the Committee on Resources.

By Mr. HASTINGS of Florida:

H. Con. Res. 130. A concurrent resolution expressing congratulations and thanks to United States and NATO troops for successfully bringing peace to Kosovo and halting the brutal ethnic cleansing of Kosovar Albanians; to the Committee on International Relations.

By Mr. NADLER (for himself, Ms. ROS-LEHTINEN, Mr. ENGEL, Mr. GILMAN, Mr. MCNULTY, Mr. PALLONE, and Mr. WEINER):

H. Con. Res. 131. A concurrent resolution condemning Palestinian efforts to revive the original Palestine partition plan of November 29, 1947, and condemning the United Nations Commission on Human Rights for its April 27, 1999, resolution endorsing Palestinian self-determination on the basis of the original Palestine partition plan; to the Committee on International Relations.

By Mr. LEWIS of Kentucky (for himself, Mr. HOSTETTLER, and Mr. SCHAFFER):

H. Res. 205. A resolution expressing the sense of the House of Representatives with regard to Project Exile and the prosecution of Federal firearms offenses; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

100. The SPEAKER presented a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 118 HD1 memorializing the Congress of the United States to pass laws to prohibit American companies from manufacturing goods using child labor or from purchasing goods from foreign manufacturers that use child labor; to the Committee on Education and the Workforce.

101. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 53 memorializing the President of the United States and Congress and the states to support legislation authorizing states to restrict the amount of solid waste being imported from other states and creating a solid waste management strategy that is equitable among the states and environmentally sound; to the Committee on Commerce.

102. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 52 memorializing the United States Congress to enact legislation that amends the Social Security Act to prohibit the Federal Government from receiving any share of the funds awarded in the tobacco settlement that was reached in 1998 between the states and the tobacco industry; to the Committee on Commerce.

103. Also, a memorial of the Legislature of the State of Arizona, relative to House Memorial 2002 memorializing the Congress of the United States to enact H.R. 472 relating to the establishment of Post Census Local Review for the 2000 Census; to the Committee on Government Reform.

104. Also, a memorial of the Legislature of the State of Arizona, relative to House Concurrent Memorial 2003 memorializing the United States Bureau of the Census to conduct the 2000 census according to Constitutional and Legal Mandates; to the Committee on Government Reform.

105. Also, a memorial of the Legislature of the State of Arizona, relative to House Joint Resolution 2001 memorializing the Policy of the State of Arizona with Respect to the Effect and Application of the Endangered Species Act 1973; to the Committee on Resources.

106. Also, a memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution No. 33 memorializing the President of the United States and Congress make the $1 billion of Federal moneys already earmarked for abandoned mine land reclamation available to states to clean up and make safe our abandoned mine lands; to the Committee on Resources.

107. Also, a memorial of the Legislature of the State of Minnesota, relative to Resolution No. 3 memorializing the President and Congress to enact laws that will expedite the exchange of intermingled state and federal lands located within the exterior boundaries of the Superior National Forest to consolidate land ownership for the purpose of enabling each government to properly discharge its respective management duties; to the Committee on Resources.

108. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to Memorializing the Congress of the United States to Enact Legislation Establishing a National Criminal Offender Record Information System; to the Committee on the Judiciary.

109. Also, a memorial of the House of Representatives of the State of Ohio, relative to House Concurrent Resolution No. 4 memorializing Congress to oppose and defeat any legislation requiring Social Security coverage for Ohio public employees who are public employees who are members of one of the state's public employee retirement systems; to the Committee on Ways and Means.

110. Also, a memorial of the House of Representatives of the State of New Mexico, relative to House Memorial 38 memorializing the New Mexico Congressional Delegation to Introduce Legislation to Reinstate the Federal Income Tax Deduction for State Sales and Gross Receipts Taxes; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mrs. FOWLER introduced A bill (H.R. 2182) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Victory of Burnham*; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. CHABOT.
H.R. 17: Mr. POMEROY.
H.R. 19: Mr. CRANE and Mr. OXLEY.
H.R. 72: Mr. SMITH of Washington, Mr. PICKERING, and Mr. ENGEL.
H.R. 82: Mr. WELDON of Florida, and Mr. GARY MILLER of California.
H.R. 113: Mr. FILNER and Mr. PICKERING.
H.R. 116: Mr. CLYBURN.
H.R. 175: Ms. SLAUGHTER, Mr. HOYER, Mr. RODRIGUEZ, Mr. REYNOLDS, and Ms. KAPTUR.
H.R. 234: Mr. GREEN of Texas and Mr. CRAMER.
H.R. 380: Mr. BORSKI, Mr. STRICKLAND, Mr. JONES of North Carolina, Mr. GOODLATTE, and Mr. GOODLING.
H.R. 393: Ms. ESHOO.
H.R. 468: Mr. EHLERS, Mr. DINGELL, Mr. BONIOR, and Ms. KILPATRICK.
H.R. 580: Mrs. THURMAN, Mr. BROWN of Ohio, Mr. NETHERCUTT, and Mr. GARY MILLER of California.
H.R. 601: Mr. STUMP, Mr. SPRATT, Mr. CANADY of Florida, and Mr. SMITH of Washington.
H.R. 607: Mr. NEAL of Massachusetts.
H.R. 664: Ms. PELOSI.
H.R. 671: Mr. PRICE of North Carolina and Mr. TIERNEY.
H.R. 675: Mrs. JONES of Ohio, Mr. HOLDEN, and Mr. GILCHREST.
H.R. 678: Mr. GONZALEZ.
H.R. 692: Mr. COMBEST.
H.R. 701: Mr. GUTKNECHT, Mr. TRAFICANT, Mr. HYDE, Mr. ORTIZ, and Ms. MCKINNEY.
H.R. 716: Mr. LUCAS of Kentucky.
H.R. 718: Mr. PETERSON of Pennsylvania.
H.R. 721: Mr. LEWIS of Kentucky.
H.R. 827: Ms. MILLENDER-MCDONALD, Mr. MEEHAN, Mr. MARTINEZ, and Mr. VENTO.
H.R. 835: Mr. REYNOLDS and Mr. GOODLATTE.
H.R. 842: Mr. NORWOOD.
H.R. 845: Ms. LOFGREN.
H.R. 853: Mr. CONDIT.
H.R. 854: Mr. LANTOS, Mr. LAFALCE, and Mr. EVANS.
H.R. 875: Mr. ENGEL and Mr. OLVER.
H.R. 890: Ms. WOOLSEY and Mr. DIXON.
H.R. 906: Mr. HINCHEY, Mr. CAPUANO, Ms. PELOSI, Mrs. MINK of Hawaii, and Mr. STARK.
H.R. 914: Ms. VELÁZQUEZ and Mr. BORSKI.
H.R. 919: Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. MENENDEZ, and Mr. EVANS.
H.R. 922: Mr. NORWOOD, Mr. PITTS, Mr. SALMON, and Mr. EHRLICH.
H.R. 937: Mr. ETHERIDGE.
H.R. 960: Mr. COYNE.
H.R. 1046: Mr. ROHRABACHER.
H.R. 1051: Mr. FATTAH.
H.R. 1071: Ms. KAPTUR.
H.R. 1083: Mr. ISAKSON, Mr. HILLEARY, and Mr. CHABOT.
H.R. 1084: Mr. JOHN.
H.R. 1095: Mr. BERMAN, Ms. PELOSI, Mr. ENGEL, Mr. CAPUANO, Ms. KAPTUR, Mr. DELAHUNT, and Mr. ROTHMAN.
H.R. 1102: Mr. OSE, Mrs. KELLY, Mr. BARRETT of Nebraska, Ms. KILPATRICK, and Mr. ROTHMAN.
H.R. 1111: Mr. SMITH of Washington, Mrs. JOHNSON of Connecticut, Mr. TOWNS, and Mr. GARY MILLER of California.
H.R. 1122: Mr. PORTER, Mr. MORAN of Virginia, Mr. HERGER, Mr. OXLEY, Mr. FRANK of Massachusetts, Ms. ESHOO, Mr. GARY MILLER of California, Mr. MALONEY of Connecticut, Ms. DUNN, Ms. RIVERS, Mr. HEFLEY, Mr. SUNUNU, and Mr. CRAMER.
H.R. 1130: Ms. VELÁZQUEZ.
H.R. 1138: Ms. BROWN of Florida and Mr. HASTINGS of Washington.
H.R. 1140: Ms. LEE.
H.R. 1175: Mr. GEPHARDT, Mr. REYES, and Mr. SISISKY.
H.R. 1177: Mr. PITTS.
H.R. 1187: Mrs. CAPPS, Mr. YOUNG of Alaska, Mr. ROTHMAN, Mr. SHADEGG, Mr. WELDON of Florida, and Ms. SANCHEZ.
H.R. 1188: Mr. DIAZ-BALART and Ms. VELÁZQUEZ.
H.R. 1193: Mr. THOMSPON of Mississippi, Mr. PICKERING, Mr. PRICE of North Carolina, and Ms. MILLENDER-MCDONALD.
H.R. 1202: Mr. DIAZ-BALART, Mr. EVANS, Mrs. TAUSCHER, Mr. DOYLE, Mr. CLAY, Mr. WEINER, Ms. ESHOO, Ms. PRYCE of Ohio, and Mr. KUCINICH.
H.R. 1214: Ms. VELÁZQUEZ.
H.R. 1219: Mrs. BIGGERT.
H.R. 1227: Mr. FRANK of Massachusetts.
H.R. 1233: Ms. JACKSON-LEE of Texas.
H.R. 1234: Mr. FROST, Mr. SNYDER, Mr. PACKARD, Mr. DIAZ-BALART, and Mr. HASTINGS of Washington.
H.R. 1237: Mr. METCALF and Ms. ESHOO.
H.R. 1248: Mr. PASTOR.
H.R. 1261: Mr. STEARNS.
H.R. 1273: Mr. BILIRAKIS.
H.R. 1303: Mr. BURR of North Carolina and Mr. ETHERIDGE.
H.R. 1310: Mr. PAUL, Ms. LOFGREN, Mr. WAXMAN, Mr. KILDEE, Mr. CANADY of Florida, Ms. WOOLSEY, Mr. REYES, Mr. WATTS of Oklahoma, Mr. DEUTSCH, Ms. PELOSI, and Mr. HINOJOSA.
H.R. 1311: Mr. GARY MILLER of California, Mr. SCHAFFER, Ms. HOOLEY of Oregon, Mr. SHIMKUS, Ms. KILPATRICK, Mr. KILDEE, Ms. WOOLSEY, Mr. GUTIERREZ, Ms. BERKLEY, Mr. HASTINGS of Florida, Mr. DEUTSCH, and Mr. ISTOOK.
H.R. 1322: Mr. GRAHAM.
H.R. 1325: Mr. RANGEL, Mr. SERRANO, Mr. NEAL of Massachusetts, and Mrs. JONES of Ohio.
H.R. 1333: Ms. KAPTUR, Mr. CUMMINGS, and Mr. HINOJOSA.
H.R. 1342: Mr. PASTOR.
H.R. 1358: Ms. KILPATRICK and Mr. BARCIA.
H.R. 1387: Mr. WEYGAND.
H.R. 1388: Mr. LARSON, Mr. WEYGAND, Mr. BONILLA, Mr. DIXON, Mr. BLAGOJEVICH, Mr. ALLEN, and Mr. BORSKI.
H.R. 1399: Mr. HINCHEY, Mr. KING, and Mr. BRADY of Pennsylvania.
H.R. 1432: Ms. WOOLSEY and Ms. MCKINNEY.
H.R. 1443: Mr. COYNE, Ms. KILPATRICK, Mr. ALLEN, Mr. FRANK of Massachusetts, and Mrs. MORELLA.
H.R. 1472: Mr. COOK, Mr. GILLMOR, Mr. CUNNINGHAM, Mr. MEEHAN, Mr. TOWNS, Mr. GILMAN, Mr. WELDON of Florida, Mr. DUNCAN, Mr. BENTSEN, Mr. WELLER, Mr. GOODLATTE, Ms. PELOSI, Mr. EHLERS, Mr. SCHAFFER, Mr. SCARBOROUGH, Mr. HOBSON, Mr. ENGLISH, Mr. BLUMENAUER, Mr. KUYKENDALL, Mr. BARRETT of Wisconsin, Mr. BURR of North Carolina, and Ms. KAPTUR.
H.R. 1482: Mr. BALDACCI.
H.R. 1494: Mr. GOODE.
H.R. 1495: Mr. CUMMINGS and Ms. VELÁZQUEZ.
H.R. 1524: Mr. THUNE.
H.R. 1525: Mr. DOYLE, Mr. DIAZ-BALART, Mr. LAFALCE, and Mr. SABO.
H.R. 1561: Mr. STUMP, Mr. HOSTETTLER, and Mr. TANCREDO.
H.R. 1572: Ms. KILPATRICK and Mr. GREEN of Texas.
H.R. 1579: Mr. BARRETT of Wisconsin, Mr. EVERETT, Ms. DANNER, Ms. ROYBAL-ALLARD, Mr. BERMAN, and Ms. SANCHEZ.
H.R. 1581: Mr. TOWNS, Mr. VENTO, Mr. DEFAZIO, Mr. NADLER, Mr. PRICE of North Carolina, Ms. NORTON, Mr. OLVER, Mr. LEWIS of California, Mr. ROTHMAN and Mr. WYNN.
H.R. 1590: Mr. BORSKI.
H.R. 1592: Ms. KILPATRICK, Mr. BARTLETT of Maryland, Mr. GOODLING, Mr. ROEMER, Mr. SMITH of Michigan, Mr. MCCRERY, Mr. BARCIA, Mr. HOEKSTRA, and Ms. PRYCE of Ohio.
H.R. 1627: Mr. BRADY of Pennsylvania.
H.R. 1629: Mr. DAVIS of Illinois, Mr. MCINTYRE, Mr. LEWIS of Georgia, and Ms. NORTON.
H.R. 1644: Mr. FRANK of Massachusetts, Mrs. CAPPS, Mr. HOYER, Mr. STENHOLM, and Mr. MEEHAN.
H.R. 1650: Mr. KING, Mr. INSLEE, Mr. PETERSON of Pennsylvania, Mr. LEWIS of Georgia, Mr. DINGELL, and Mr. DICKS.
H.R. 1660: Mr. PRICE of North Carolina, Mr. UDALL of Colorado, Mrs. MCCARTHY of New York, Mr. BOSWELL, Mr. JACKSON of Illinois, Mr. BAIRD, Mr. HOLT, Mr. KIND, Mr. NEY, Ms. ROYBAL-ALLARD, Mr. MARKEY, Mr. CLEMENT, Mr. KLINK, Mr. COSTELLO, Mr. BISHOP, and Mr. GREEN of Texas.
H.R. 1677: Mr. BONIOR.
H.R. 1691: Mr. CAMP, Mr. WHITFIELD, and Mr. BARRETT of Nebraska.
H.R. 1702: Mr. PASTOR and Mr. STARK.
H.R. 1713: Ms. MCKINNEY.
H.R. 1747: Mr. METCALF.
H.R. 1750: Mr. SABO, Ms. SLAUGHTER, and Mrs. MCCARTHY of New York.
H.R. 1760: Mr. GREEN of Texas and Mr. CUMMINGS.
H.R. 1857: Mr. COYNE.
H.R. 1862: Mr. BENTSEN and Mr. BORSKI.
H.R. 1872: Mr. MCINNIS.
H.R. 1887: Mr. TRAFICANT.
H.R. 1896: Mr. DAVIS of Illinois and Mr. BLAGOJEVICH.
H.R. 1917: Mr. WATTS of Oklahoma, Mrs. MYRICK, Mr. THOMPSON of Mississippi, Mr. BALDACCI, Mr. MENENDEZ, Mr. ALLEN, Mr. CLYBURN, Mr. RODRIGUEZ, Mr. SANDERS, Mr. STEARNS, Mr. EVANS, Mr. BURTON of Indiana, Mr. NADLER, Mr. FORD, and Mr. NEAL of Massachusetts.
H.R. 1948: Mr. PAYNE.
H.R. 1958: Mr. SHERWOOD, Mr. FATTAH, Mr. BRADY of Pennsylvania, Mr. GREENWOOD, Mr. PETERSON of Pennsylvania, Mr. MASCARA, Mr. GEKAS, and Mr. GOODLING.
H.R. 1969: Mr. HAYWORTH.
H.R. 1974: Mr. BROWN of California and Mr. EVANS.
H.R. 1975: Mr. SUNUNU and Mr. SENSENBRENNER.
H.R. 1977: Mrs. ROUKEMA.
H.R. 1984: Mr. WEINER, Ms. NORTON, and Mr. HINCHEY.
H.R. 1993: Mr. CROWLEY, Mr. DAVIS of Florida, Mr. DREIER, Ms. LOFGREN, and Mrs. LOWEY.
H.R. 1994: Mr. UDALL of Colorado.
H.R. 1998: Mr. FRANK of Massachusetts.
H.R. 1999: Mr. PASTOR.
H.R. 2033: Mr. ENGLISH and Mr. BLUMENAUER.
H.R. 2052: Ms. HOOLEY of Oregon, Mr. BLUMENAUER and Mr. WU.
H.R. 2102: Mr. TOWNS, Mr. WEYGAND, and Ms. SLAUGHTER.

H.J. Res. 14: Mr. KOLBE.

H.J. Res. 55: Mr. METCALF, Mr. YOUNG of Alaska, and Mr. INSLEE.

H.J. Res. 57: Mr. BROWN of Ohio, Mr. SMITH of New Jersey, Mr. WOLF, Mr. BURTON of Indiana, Mr. FRANK of Massachusetts, Mr. BARTON of Texas, Mr. VISCLOSKY, and Mr. TANCREDO.

H. Con. Res. 30: Mr. GOODLATTE.

H. Con. Res. 67: Mr. TALENT and Mr. MENENDEZ.

H. Con. Res. 78: Mr. FARR of California.

H. Con. Res. 99: Ms. MCKINNEY.

H. Con. Res. 107: Mr. SOUDER.

H. Con. Res. 121: Mr. HEFLEY.

H. Con. Res. 128: Mr. ABERCROMBIE, Mr. SAXTON, Mr. FRANKS of New Jersey, Mr. DIXON, Mr. HOLDEN, Mr. CAPUANO, Mr. GUTIERREZ, Mrs. NAPOLITANO, Mr. WYNN, Mr. BRADY of Pennsylvania, and Mr. LEVIN.

H. Res. 89: Mr. BORSKI.

H. Res. 146: Mr. LEACH and Mr. LAMPSON.

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. 850: Mr. HASTINGS of Florida.

H.R. 1732: Mr. HASTINGS of Florida.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

14. The SPEAKER presented a petition of the Lennox School District, Lennox, California, relative to Resolution No. 98–34 petitioning the California Legislature to Increase Funding for Special Education; to the Committee on Education and the Workforce.

15. Also, a petition of Scotts Valley Unified School District, Santa Cruz, California, relative to Resolution No. 99–025 petitioning the Congress to restore parity to these two classes of students by appropriating funds for IDEA to the full authorized level of funding for 40 percent excess costs of providing special education and related services; to the Committee on Education and the Workforce.

16. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 133 petitioning the United States Congress to Pass Legislation Prohibiting Federal Claims to Multistate Tobacco Settlement Funds; to the Committee on Commerce.

17. Also, a petition of the Diocese of Washington, DC, relative to Resolution No. 10 petitioning the Congress of the United States to pass the Hate Crimes Prevention Act; to the Committee on the Judiciary.

18. Also, a petition of the Legislature of Suffolk County, New York, relative to Sense Resolution No. 8 petitioning the United States Congress to repeal co-payment requirement for veterans; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

THE CHILD CARE QUALITY IMPROVEMENT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. STARK. Mr. Speaker, I rise today to introduce the Child Care Quality Improvement Act of 1999. As more and more families with infants and young children are forced to send both parents to work, the need for child care—especially infant care and care at non-traditional hours—continues to expand. As the need for care grows however, startling findings in a study on the cost and quality of child care by the University of Colorado at Denver's Department of Economics report that more than 80% of child care services in the U.S. is thought to be of poor or average quality.

I want to make sure we're not missing the mark. Although it is true that child care is in short supply and is too expensive for many families to afford, we must not allow the demand for child care services to override the need for quality. It is critical that children receive care that promotes their healthy growth and development. We cannot allow them to be placed in substandard conditions.

Today I am introducing the Child Care Quality Improvement Act of 1999, to help states increase and meet their child care quality goals. My bill would provide funding for Quality Improvement Grants to be transferred to local child care collaboratives.

Grants would be made by the Federal government to states which have established goals for child care quality improvements in six areas: increased training for staff, enhanced licensing standards, reduced numbers of unlicensed facilities, increased monitoring and enforcement, reduce caregiver turnover, and higher levels of accreditation. States would then make grants to local child care collaboratives to make quality improvements.

My bill take a benchmarking approach that helps states define quality targets and measures the states' progress toward meeting their long-term quality goals. State plans would be subject to the U.S. Department of Health and Human Services (HHS) for approval and monitoring. States would be required to report to the U.S. Department of Health and Human Services on their progress in meeting their quality goals in order to remain eligible for future funding.

I am introducing this legislation in response to a report by the General Accounting Office (GAO) which found that most states lack strong standards for quality child car, such as requiring a sufficient educational training level of child care workers, keeping child to staff ratios low,and requiring safety and health provision on hand washing and playground equipment safety. The report further concluded that child care center staff turnover—which hurts the quality of care children receive—is very high and is largely due to the extremely low level of pay teachers in child care centers receive.

I have sought the expertise of child care professional and early childhood development specialist across the country, including Dr. Edward Zigler, Sterling Professor of Psychology, former Director of which is now the Administration for Children, Youth and Families at the U.S. Department of Health and Human Service, and founder of the federal Head Start Program. Dr. Zigler tells us that a national policy to encourage an increase in state quality standards is of great value, and that the goal of this legislation—to improve child care services in the states—is both necessary and urgent.

Congress has wrongly refused to require significant quality standards for the child care dollars we allocate each year. The federal government should give states the resources to raise state quality standards and improve child care quality at the local level, but only through a system of measurable indicators of desired outcomes. We must allocate these funds with the guarantee that incentive grants will continue to raise standards and improve the quality of care.

As the father of a young son, I know the difficulty families face when choosing a caregiver for their children. My bill gives families peace of mind by encouraging the state and local facilities across the country to provide the high quality of care every child deserves.

HONORING THE VOLUNTEERS OF ST. MARY'S/GOOD SAMARITAN HOSPITAL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to recognize the volunteer corps who make up the "backbone" for St. Mary's/Good Samaritan Hospital's Centralia and Mt. Vernon campuses.

Volunteers such as founding member Pat Bunchman, Mercedes Campbell, Barbara Francois, and Pauline Raines, represent some of the longest-serving members of the volunteer group. These hospital auxiliary groups provide volunteer service and funding thus far of $1 million for patient and hospital equipment since they began their efforts.

Pauline Raines said the volunteering needs "patience," "commitment," and being a "people-person." The ability for these tasks to be put to use and the initiative to implement these programs are a tribute to what the United States stands for. It is a wonderful thing to see American values exhibited in such a benevolent and rewarding program such as the hospital auxiliary groups of St. Mary's/Good Samaritan Hospital.

I applaud their volunteer service, and site it as a testament of volunteerism aiding our communities and enriching our lives.

RECOGNIZING LAMBERTVILLE'S 150TH ANNIVERSARY

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. HOLT. Mr. Speaker, I rise today in recognition of Lambertville, New Jersey's sesquicentennial. Lambertville is a historic town, which has been and continues to be a source of pride for the state of New Jersey. I am proud to represent it in Congress.

Lambertville first grew to prominence as a key stop along the Old York Road, the main route from Philadelphia to New York, in the early 1700's. At the beginning of the 19th century, the building of the Delaware and Raritan Canal helped the town become a leading industrial center for manufacturing. Railroads began to take on much of the canal traffic in the late 1800s, and Lambertville retained its importance as a trade center by serving as the headquarters of the Pennsylvania-Belvidere Railroad. By the turn of the century, more than 3000 factory workers produced such items as wooden wagon wheels, rubber boots, railway cars, bottled beer, and ceramic white ware within the town's borders.

Although Lambertville's factories and mills are closed today, the town continues to thrive. The historic downtown district offers art galleries, antique shops, and a variety of wonderful restaurants. Lambertville retains a colonial charm, with Victorian, Colonial, and Federal styled buildings housing its 4,000 residents. The annual Shad festival in April, a two-day event that marks the arrival of spring and the run of the shad fish upstream to the Delaware River, salutes ongoing efforts to revitalize and maintain the quality of our water.

Lambertville's celebrations of its anniversary will be taking place throughout the summer. In the spring, a documentary on the town will be released.

Lambertville, New Jersey represents the best of small town life. As we look for ways to control development and to create livable communities, Lambertville offers a vibrant, positive example. I urge all my colleagues to join me in recognizing the town of Lambertville on its sesquicentennial.

HONORING THE GRADUATES OF THE 90TH PRECINCT

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Ms. VELÁZQUEZ. Mr. Speaker, it is with great pride that I ask you and my colleagues to join me in congratulating special graduates of the 12th Congressional District of New York. I am certain that this day marks the culmination of much effort and hard work which has led and will lead them to continued success. In these times of uncertainty, limited resources, and random violence in our communities and schools, it is encouraging to know that they have overcome these obstacles and succeeded.

These students have learned that education is priceless. They understand that education is the tool to new opportunities and greater endeavors. Their success is not only a tribute to their strength but also to the support they have received from their parents and loved ones.

In closing, I encourage all my colleagues to support the education of the youth of America. With a solid education, today's youth will be tomorrow's leaders. And as we approach the new millennium, it is our responsibility to pave the road for this great Nation's future. Members of the U.S. House of Representatives, I ask you to join me in congratulating the following Academic Achievement Award Recipients:

Christian Nitti and Joshua Romero—PS 16.
Massiel Santana and Josette Dueno—PS 18.
Pearl Ramos and Andrew Vasquez—PS 19.
David Rodriguez and Cindy Escoboza—PS 84.
Lasnette O'Garro and Jose Lozada—PS 147.
Steven Rodriguez and Jamyra Quinones—PS 196.
Giselle Burgos and Christina Santiago—PS 250.
Kimberly Gonzalez and David Quinga—PS 257.
Michelle Rivera and Ior Kretowicz—Most Holy Trinity R.C.
Jennifer Pascual and Nicole Medici—St. Nicholas R.C.
Marcus Copeland and Ann Liriano—PS 380.
Kaity Cheng and Yu Chen—I.S. 318.
Sabrina Ramphal and Yamil Tavarez—I.S. 49.
Fances Dover and Wendy Morel—J.H.S. 50.
Abner Rodriguez and Monica Aldana—I.S. 71.
Nella Bastien and Raquel Aponte—H.S. Enterprise Business & Tech.
Essanai Velasquez and Luis Ramos—El Puente Academy/Peace & Justice.
Keith Madden and Zorielle Rodriguez—Transfiguration R.C. School.
Desirae Nazario and Joann Danio—Saint Peter & Paul R.C.
Jennifer Chavez and Gabriella Padilla—All Saints R.C.

WAGING THE DRUG WAR

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. CUNNINGHAM. Mr. Speaker, last week a Narcotics Eradication Task Force from the Republic of Colombia visited Washington. The Task Force included three retired Colombian Generals, a former Minister of Defense, the ex-Chief of Staff of the Armed Forces, the Army's former Inspector General, journalists, academics and a Magistrate from the International War Crimes Tribunal in The Hague. They came to Washington at the request of the bipartisan National Security Caucus with an important and powerful message for all of us.

I hope all of my colleagues will pay careful attention to the alarming statistics they provided:

Eighty percent of the world supply of cocaine is produced or transits through Colombia, and over 75 percent of the heroin seized on the U.S. East Coast is from that nation.

Over 20,000 Americans die every year from abusing illegal narcotics. Drug abuse is also the main reason America's prison population has doubled between 1988 and 1998 and our nation has to spend over $35 billion on its correctional system.

There has been a 27 percent increase in drug use among 12–17 year olds, and 78 percent of American students report that drugs are bought, sold or used in their high schools.

According to the most recent reports issued by the Clinton Administration, there has been an incredible 378 percent annual increase in the use of pure Colombian heroin. Heroin use has become an epidemic in almost every town, big or small, in our country. It is cheaper, purer and easier to obtain than ever before.

A recent report released by the Colombian Army demonstrates that the FARC rebels have earned more than $5.3 billion over the last eight years through drug trafficking, kidnapping and extortion.

Colombia has one of the highest rates of murder and kidnapping in the world. Attacks by rebel forces displaced over 300,000 people last year and 95 percent of all crimes go unpunished. The number of outstanding arrest warrants is over 150,000 and the judiciary has a backlog of over 3.5 million cases.

Mr. Speaker, I believe we can win the war on drugs but it will take a real commitment. We cannot just wish it away, and education alone is not going to stop drugs. Furthermore, interdiction alone will not stop the drug lords.

Almost every American family has been affected negatively by drugs, including my own, not only from usage but from the sale of drugs. I want to tell you how disappointing, how hurtful it is and how damaging it is to a family. The Narcotics Eradication Task Force from Colombia expressed sincere gratitude for the economic assistance of the United States, but they also demonstrated that we need a real and comprehensive war on drugs.

The Task Force members reminded us that many brave Colombian soldiers, policemen, judges and statesmen have lost their lives in the War on Drugs. They reminded our colleagues of heroes such as Enrique Camerino, a Border Patrol agent from just east of my district. He was buried alive after being tortured by Mexican drug loads.

The Narcotics Eradication Task Force met with Senator Jeff Sessions (R–AL) and our colleagues Cass Ballenger (R–NC); Ciro Rodriguez (D–TX), Joe Crowley (D–NY), Kevin Brady (R–TX), Cliff Stearns (R–FL) and Mark Sanford (R–SC). According to the Task Force, the Colombian cartels processed coca paste flown from Peru and Bolivia for over a decade.

It was not until the 1990s that the cartels promoted the planting of coca in the remote and sparsely populated eastern plains and jungles of Colombia, where the guerrillas had strong influence. Initially the guerrillas were content to protect laboratories and "tax" the different phases of the production process. They have since moved into direct involvement in the whole production process. They provide a good share of the cocaine produced in Colombia and collect protection money for the rest. The same holds true for the more recent production of heroine.

However, as their income from drugs increased the guerrillas' kidnaping activity did not diminish. Around 1,600 people were reported kidnaped in 1997 and over 2000 were abducted in 1998. The true figure is unknown but probably much higher, since families are routinely ordered not to inform the authorities and many heed this warning. Guerrillas are believed to be responsible for 60% of the kidnapping in Colombia and collect more than 200 million dollars annually from these activities.

The Colombian guerrillas are thought to be the world's richest and most powerful criminal organization. But guerrillas combatants do not operate in a vacuum. Although the various legal Marxist parties have had little success at the polls, their unarmed supporters have infiltrated many government organizations. They also have permanent representatives abroad that run, with the collaboration of the extreme left in the United States and Europe, a powerful propaganda and disinformation operation.

The visit of the Narcotics Eradication Task Force was made possible by the Colombian non-profit organization, Forum Interamericano. The Task Force also expressed its concern over the excessive concessions made by President Pastrana to the FARC rebels in a well intentioned but badly planned peace initiative. As an inducement to the FARC to sit at a negotiating table Pastrana ordered the withdrawal of the Armed Forces from a coca producing region the size of Switzerland, 16,000 square miles. This has given the terrorist guerrillas a safe sanctuary where the rebel group is recruiting combatants, keeping kidnap victims and has continued to produce drugs.

HONORING MT. MORIAH CHRISTIAN CHURCH

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to applaud the efforts of the Mt. Moriah Christian Church in Centralia, Illinois for their strength and dedication in rebuilding after vandals set a fire that destroyed the church in August of 1997.

Mount Moriah believed to be the first church in Marion County was built in 1829. The May

16 rededication ceremony with county historian George Ross as the guest speaker told of the great history behind this community asset.

Credit should go to the dedicated members, Dale Nollman, and Carpenter's for Christ for their assistance in the rebuilding process. They not only restored the church, but also brought the building up to standards including making it wheelchair accessible.

I am truly pleased to se that the Mt. Moriah Christian Church's efforts will keep this part of community history living with new chapters to come well in to the future.

PERSONAL EXPLANATION

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. VISCLOSKY. Mr. Speaker, due to a commitment to my family on Wednesday, June 9, 1999, I was unable to cast my floor vote on rollcall Nos. 182–184.

COMMUNITY REINVESTMENT ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KENNEDY of Rhode Island. Mr. Speaker, I'd like to address an issue of great importance to me and to many members of the community I represent. Fair and equal access to capital and credit should be a fundamental right, yet for too long it has been a privilege based on race or economic class. The dream of owning your own home or business slips away when financial institutions discriminate against hardworking, creditworthy Americans.

Fortunately, blatant discrimination in the lending industry is in decline, home ownership and small business opportunities are on the rise and we can attribute much of this progress to the Community Reinvestment Act (CRA). CRA rates federal banking agencies on how they meet the credit and capital needs of all the communities in which they are chartered and from which they take deposits. Community organizations, elected and religious leaders, and ordinary citizens have a right to offer their opinions regarding the CRA performance of lenders during CRA exams or mergers of CRA. Additionally, CRA has leveraged a tremendous amount of reinvestment for our nation's inner cities and rural areas. For example, in 1997, low- and moderate-income borrowers received 28 percent of the nation's mortgage loans—up dramatically from 18 percent in 1990. According to the National Community Reinvestment Coalition, banks have made over $1 trillion in commitments to CRA-related loans and investments since the law was passed in 1977. In Rhode Island, CRA has revitalized cities throughout the state. From Constitution Hill in Woonsocket to the West End of Providence to Newport, community based housing and economic development activities are taking place because of CRA.

As we here in the Congress consider financial modernization and H.R. 10, I will strenuously oppose any effort to weaken CRA. In addition, we must strengthen our nation's reinvestment and fair lending laws through reopening requirements on policyholders. We should ensure that CRA will leverage new business opportunities by helping insurance companies, community organizations, and local public agencies identify missed market opportunities in traditionally underserved neighborhoods.

I urge my colleagues to stand firm in support of CRA during the debate on H.R. 10. Supporting the measurable progress we have made in expanding economic opportunities for all segments of our society is the right thing to do.

RHODE ISLAND COMMUNITY
REINVESTMENT ASSOCIATION,
Providence, RI, May 24, 1999.

Hon. ROBERT WEYGAND,
House of Representatives,
Washington, DC.

Hon. PATRICK KENNEDY,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN WEYGAND AND CONGRESSMAN KENNEDY: The RI Community Reinvestment Association (RICRA) is a thirteen-year-old organization working to encourage the public and private reinvestment in the housing and community economic development of low and moderate neighborhoods in the state. RICRA provides foreclosure prevention advocacy for individual homeowners.

The future of CRA is at risk. Given the importance of the Fleet proposed acquisition of BankBoston with 50 bank branches to be sold. One example, the City of Pawtucket has on the table all Fleet and BankBoston branches to be sold. CRA is revitalizing our cities in Rhode Island. From Constitution Hill in Woonsocket to the West End of Providence to Newport and South County, community-based housing and economic development activities are taking place because of CRA. CRA must be preserved. Financial Modernization should benefit all segments of our communities and individual households. Financial Modernization should not be just for depositors with daily balances in the six-figures income. Financial Modernization must include community reinvestment.

RICRA is requesting that as our Congressional Delegation in the House of Representatives that you join the procession for a one-minute statement on CRA. We've enclosed the text for your consideration. If you agree to do a one-minute speech, please work with Rep. LaFalce's staff (Tricia Haisten 202–225–4247).

Thanking you in advance for your consideration of working to save CRA.

Sincerely,

RAY NEIRINCKX,
Coordinator.

EXCHANGE PRIVILEGES FOR 30% DISABLED VETERANS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. ANDREWS. Mr. Speaker, I rise today to support allowing veterans with a service-connected disability of 30% or more to use military exchanges. I am pleased that the House Armed Service Committee approved report language urging the Pentagon, in coordination with the Veterans Administration, to study the feasibility of providing exchange privileges to veterans with a disability of 30% or more. I want to reiterate my support for this policy, and I hope that the Pentagon will favorably report back the results of their study to the Armed Services Committees in both the House and Senate before the end of this year.

Today, as many as one million disabled and deserving veterans are unjustly denied the ability to patronize military exchanges. Exchange privileges are granted to veterans who incur a serious disability while in service that warrants medical retirement, but veterans whose disabilities increase after separation from military service are denied this privilege.

I support extending exchange privileges to disabled veterans whose service-related injuries exacerbate over time. Many veterans who incurred service-connected injuries that did not appear initially to be serious enough to warrant medical retirement, but these injuries often have a delayed effect and develop later in life into more severe disabilities that significantly impair their health.

The Department of Defense can afford to give exchange privileges to veterans with service-connected injuries which have led to a disability of 30% or more. I do not believe that allowing these deserving veterans exchange privileges will greatly burden exchange operations or the appropriated funds budget. Already, employees of the military exchange systems, who have never served a day in uniform, enjoy exchange shopping privileges. Disabled veterans deserve no less.

We should grant exchange privileges to this group of patriots because it is the right, fair and honorable thing to do. I am pleased that the bill we are considering today urges the Pentagon to correct this injustice.

RECOGNIZING WCXO IN CLINTON COUNTY, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to congratulate WCXO in Clinton County which will begin broadcasting in mid-June from a state-of-the-art FM facility.

This station will not only provide music entertainment: it will also give a valuable resource to local residents by its commitment to the community through its broadcasting of boys' and girls' high school sporting events, local and headline news reports, and farm reports.

Owned by Joy Publishing, the station will be headed by General Manager Annette Bevel. Under her guidance and their dedicated staff composed mostly of Clinton County's own, I am confident that the station will be a great asset to Clinton County.

I applaud these efforts to improve communication, entertainment, and information within Clinton County and wish them well.

IN HONOR OF MR. WHIT CLARK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Mr. Whit Clark the principal of Col. John Glenn School.

Whit Clark has been a very successful educator for 33 years and an effective principal at Col. John Glenn for the last 13 years. Whit Clark has done an outstanding job as an educator for the last 33 years. For his exceptional efforts, he received a commendation from Mayor Gerald Trafis.

He has been a wonderful example in his community for truly being a man for others. His dedication to his profession is something that sticks out and should be recognized. He has a love for his position unlike anyone I have ever seen. He will be greatly missed when he retires on June 6th of this year.

My fellow colleagues, please join me in honoring one of Cleveland's great educators Mr. Whit Clark.

ROCKY MOUNTAIN NATIONAL PARK WILDERNESS ACT OF 1999

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Rocky Mountain National Park Wilderness Act of 1999. This legislation will provide important protection and management direction for some truly remarkable country, adding nearly 250,000 acres in the park to the National Wilderness Preservation System.

The bill is essentially identical to one my predecessor, Representative David Skaggs, introduced in October of last year, which in turn was based on similar measures he had proposed in the 103rd and 104th Congresses. It also reflects previous proposals by former Senator Bill Armstrong and others. I am grateful to have the opportunity to press forward in the effort to complete the work they began.

Over the last several years my predecessor worked with the National Park Service and others to refine the boundaries of the areas proposed for wilderness designation and consulted closely with many interested parties in Colorado, including local officials and both the Northern Colorado Water Conservancy District and the St. Vrain & Left Hand Ditch Water Conservancy District. These consultations provided the basis for many of his bill's provisions, particularly regarding the status of existing water facilities, and I have drawn on them in shaping the bill I am introducing today.

Covering 94 percent of the park, the new wilderness will include Longs Peaks and other major mountains along the Great Continental Divide, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams, all untrammeled by human structures or passage. Indeed, examples of all the natural ecosystems that make up the splendor of Rocky Mountain National Park are included in this wilderness designation.

The features of these lands and waters that make Rocky Mountain National park a true gem in our national parks system also make it an outstanding wilderness candidate.

The wilderness boundaries are carefully located to assure continued access for use of existing roadways, buildings and developed areas; privately owned land, and areas where additional facilities and roadwork will improve park management and visitor services. In addition, specific provisions are included to assure that there will be no adverse effects on continued use of existing water facilities.

This bill is based on National Park Service recommendations, prepared 25 years ago and presented to Congress by President Nixon. It seems to me that, in that time, there has been sufficient study, consideration, and refinement of those recommendations so that Congress can proceed with this legislation. I believe that this bill constitutes a fair and complete proposal, sufficiently providing for the legitimate needs of the public at large and all interested groups, and deserves to be enacted in this form.

It took more than a decade before the Colorado delegation and the Congress were finally able, in 1993, to pass the most recent bill to designate additional wilderness in our state's national forests. We now must take up the urgent question of wilderness designations of lands managed by the Bureau of Land Management. And the time is ripe for finally resolving the status of the lands within Rocky Mountain National Park that are dealt with in this bill.

All Coloradans know that the question of possible impacts on water rights can be a primary point of contention in Congressional debates over designating wilderness areas. So, it's very important to understand that the question of water rights for Rocky Mountain National Park wilderness is entirely different from many considered before, and is far simpler.

To begin with, it has long been recognized under the laws of the United States and Colorado, including a decision of the Colorado Supreme Court, that Rocky Mountain National Park already has extensive federal reserved water rights arising from the creation of the national park itself.

Division One of the Colorado Water Court, which has jurisdiction over the portion of the park that is east of the continental divide, has already decided how extensive the water rights are in its portion of the park. In December, 1993, the court ruled that the park has reserved rights to all water within the park that was unappropriated at the time the park was created. As a result of this decision, in the eastern half of the park there literally is no more water for either the park or anybody else to claim. This is not, so far as I have been able to find out, a controversial decision, because there is a widespread consensus that there should be no new water projects developed within Rocky Mountain National Park. And, since the park sits astride the continental divide, there's no higher land around from which streams flow into the park, so there is no possibility of any upstream diversions.

As for the western side of the park, the water court has not yet ruled on the extent of the park's existing water rights there, although it has affirmed that the park does have such rights. With all other rights to water arising in the park and flowing west already claimed, as a practical matter under Colorado water law, this wilderness designation will not restrict any new water claims.

And it's important to emphasize that any wilderness water rights amount only to guarantees that water will continue to flow through and out of the park as it always has. This preserves the natural environment of the park, but it doesn't affect downstream water use. Once water leaves the park, it will continue to be available for diversion and use under Colorado law regardless of whether or not lands within the park are designated as wilderness.

These legal and practical realities are reflected in my bill—as in my predecessor's—by inclusion of a finding that because the park already has these extensive reserved rights to water, there is no need for any additional reservation of such right, and an explicit disclaimer that the bill effects any such reservation.

Some may ask, why should we designate wilderness in a national park? Isn't park protection the same as wilderness, or at least as good? The answer is that the wilderness designation will give an important additional level of protection to most of the park. Our national park system was created, in part, to recognize and preserve prime examples of outstanding landscape. At Rocky Mountain National Park in particular, good Park Service management over the past 83 years has kept most of the park in a natural condition. And all the lands that are covered by this bill are currently being managed, in essence, to protect their wilderness character. Formal wilderness designation will no longer leave this question to the discretion of the Park Service, but will make it clear that within the designated areas there will never be roads, visitor facilities, or other manmade features that interfere with the spectacular natural beauty and wildness of the mountains.

This kind of protection is especially important for a park like Rocky Mountain, which is relatively small by western standards. As surrounding land development and alteration has accelerated in recent years, the pristine nature of the park's backcountry becomes an increasingly rare feature of Colorado's landscape.

Further, Rocky Mountain National Park's popularity demands definitive and permanent protection for wild areas against possible pressures for development within the park. While only about one tenth the size of Yellowstone National Park, Rocky Mountain sees nearly the same number of visitors each year as does our first national park.

At the same time, designating these carefully selected portions of Rocky Mountain as wilderness will make other areas, now restricted under interim wilderness protection management, available for overdue improvements to park roads and visitor facilities.

So, Mr. Speaker, this bill will protect some of our nation's finest wild lands. It will protect existing rights. It will not limit any existing opportunity for new water development. And it will affirm our commitment in Colorado to preserving the very features that make our State such a remarkable place to live. Thus, the bill deserves prompt enactment.

I am attaching a fact sheet giving more details about the bill:

ROCKY MOUNTAIN NATIONAL PARK WILDERNESS ACT

1. ROCKY MOUNTAIN NATIONAL PARK

Rocky Mountain National Park, one of the nation's most visited parks, possesses some of the most pristine and striking alpine ecosystems and natural landscapes in the continental United States. This park straddles the Continental Divide along Colorado's northern Front Range. It contains high altitude lakes, herds of bighorn sheep and elk, glacial cirques and snow fields, broad expanses of alpine tundra, old-growth forests and thundering rivers. It also contains Longs Peak, one of Colorado's 54 fourteen thousand-foot peaks.

2. CONGRESSMAN UDALL'S ROCKY MOUNTAIN NATIONAL PARK WILDERNESS PROPOSAL

Former Congressman David Skaggs from the Second District had been working for years to designate certain areas within the Park as wilderness. Congressman Skaggs introduced a bill last year, and this proposal by Congressman Udall is essentially identical.

The Udall proposal would designate nearly 250,000 acres within Rocky Mountain National Park, or about 94 percent of the Park, as wilderness, including Longs Peak—the areas included are based on the recommendations prepared over 24 years ago by President Nixon with some revisions in boundaries to reflect acquisitions and other changes since that recommendation was submitted; designate about 1,000 acres as wilderness when non-conforming structures are removed; and add non-federal inholdings within the wilderness boundaries to the wilderness if they are acquired by the United States.

The Udall proposal would NOT create a new federal reserved water right; instead, it includes a finding that the Park's existing federal reserved water rights, as decided by the Colorado courts, are sufficient, nor include certain lands in the Park as wilderness, including Trail Ridge and other roads used for motorized travel, water storage and conveyance structures, buildings, developed areas of the Park, and private inholdings.

3. EXISTING WATER FACILITIES

Boundaries for the wilderness areas are drawn to exclude: existing storage and conveyance structures, thereby assuring continued use of the Grand River Ditch and its right-of-way; the east and west portals of the Adams Tunnel and gauging stations of the Colorado-Big Thompson Project; Long Draw Reservoir; and lands owned by the St. Vrain & Left Hand Water Conservancy District, including Copeland Reservoir.

The bill includes provisions to make clear that its enactment will not impose new restrictions on already allowed activities for the operation, maintenance, repair, or reconstruction of the Adams Tunnel, which diverts water under Rocky Mountain National Park (including lands that would be designated by the bill), or other Colorado-Big Thompson Project facilities. Additional activities for these purposes will be allowed, subject to reasonable restrictions, should they be necessary to respond to emergencies.

RETURN OF VETERANS MEMORIAL OBJECTS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. UNDERWOOD. Mr. Speaker, I would like to call your attention to an amendment to the Senate version of the FY2000 Defense Authorization Bill. Section 1066 of the Senate version prohibits the return of veterans memorial objects to foreign nations without specific authorization in law.

Although it might seem to be a well-intentioned attempt to protect veterans memorials, this amendment is, in fact, an underhanded attempt infringe upon the chief executive's authority to, in good, return questionably acquired items to their rightful owners.

We all agree that this nation had been involved in a number of unjust conflicts. Regrettably, our troops have been involved in dubious actions, both here and in foreign lands. Without, taking dignity away from those who have fallen and those who followed orders, we should strive towards preserving our ability to right certain historical wrongs.

Under the cloak of protecting veterans memorials, this amendment is actually an attempt to impede the facilitation of a compromise between the United States and the Republic of the Philippines. F.E. Warren Air Force Base plays host to a memorial comprised of two church bells seized from the Philippines. As the bells are equally important to Filipinos, they have requested the repatriation of one.

I have worked in the last Congress to bring this compromise. Veterans groups, church officials, and members of this body have expressed support. Section 1066 of the Senate version is designed to undermine the progress we have made on this issue.

I urge the members of the conference committee to be mindful of this. Let us be straightforward and put the real issue on the table. I urge the members of the conference committee to act accordingly on this matter.

HONORING WILLIAM H. WALKER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this time to honor an individual who served our great Nation in war time, and served our children in peace. William H. Walker not only served our Nation as one of the famed Tuskegee Airmen, but also served as an educator at Lincoln Elementary School in Centralia, Illinois.

The Illinois native from Carbondale passed away at age 83. During his life, he was a patriot and an inspiration to the civil rights movement, City of Centralia, and children of Lincoln Elementary School. Mr. Walker is also an inductee in the Centralia Historical Hall of Fame.

Dan Griffin, Superintendent of the Centralia City School District in which William Walker served said of Mr. Walker, "He was well-respected by the black community and white community alike, and by all educators. . . . The best way I can sum up Bill Walker is that he was a gentleman's gentleman."

I commend him on his life-time service to the Nation. His life should be a reminder to us all about what service to the Nation means.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

SPEECH OF

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

The House in Committee of the Whole House on the State of the Union had under consideration 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, and for other purposes:

Ms. WATERS. Mr. Chairman, I rise to speak in opposition to the Gilman-Goss amendment.

This foolish and dangerous amendment would prohibit the use of funds to maintain a U.S. military presence in Haiti after December 31 of this year. The effect of this amendment is to gut US Support Group Haiti, an important humanitarian, engineering and civic affairs operation, and deny our President the flexibility he needs to determine our nation's troop deployments.

Haiti is currently planning to hold elections later this year. This elections follow months of political instability. It is vital that the United States show our support for the democratic process in this country.

Unfortunately, this is not the first time that Members on the other side of the aisle have attempted to interfere in our nation's support for democracy in Haiti. Last month, Republicans led an effort to squash a human rights observation mission that represented the one credible human rights organization in Haiti during this difficult time.

Now, these same critics of our nation's policy toward Haiti are attempting to force our troops to leave at a time when their presence is especially important to support stability and aid in democratization efforts.

The people of Haiti are looking forward to having elections later this year. Requiring the courageous and dedicated men and women of our nation's armed forces to leave the country now would send a terrible message to the Haitian people about our willingness to support the democratic process in this country. Now is not the time to consider withdrawing these men and women at this critical point in Haiti's history.

I urge my colleagues to vote against the Gilman-Goss amendment.

IN HONOR OF CHARLES REYNOLDS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to pay tribute to Mr. Charles Reynolds for his

commitment to educating and shaping the lives of our youth. Mr. Reynolds is retiring from his position as principal at Benedictine High School in Cleveland, Ohio.

Mr. Reynolds' school spirit and enthusiasm for sports was demonstrated in the 1950s as a student at Benedictine where he was an All Scholastic basketball and football player for the Benedictine Bengals. After receiving a Bachelor's Degree from Purdue University, Mr. Reynolds returned to his alma mater as a teacher and football and basketball coach. From there he went to Warrensville High School as head football and assistant basketball coach.

Mr. Reynolds continued his career in education by serving as assistant principal at Monticello Junior High. He later became Unit Principal at Cleveland High School. Finally, he accepted the position of principal at Warren High School where he remained until he retired.

However, his retirement was short-lived. After Father Dominic Mondzelewski stepped down as principal at Benedictine, Mr. Reynolds was persuaded to come out of retirement to become Benedictine's first lay principal. During his tenure, he upgraded the school technology and implemented many new programs, including Project Real, the Renaissance Honors program. In addition, he has instilled a renewed pride and school spirit among the student body.

Mr. Reynolds took great pride in his leadership role at Benedictine, a school that excels in educating young men and sends 99 percent of its graduates to college. Benedictine is known not only for academics, but also athletics. The high school currently holds the record in the lower 48 states of winning five state athletic championships over two academic years.

I ask my fellow colleagues to join me in congratulating Mr. Reynolds for his career as an outstanding educator. Benedictine will celebrate his retirement at a dinner on June 5, 1999. I wish Charles Reynolds and his family the very best.

TAIWAN EXTENDS A HELPING HAND TO THE KOSOVAR REFUGEES

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. ENGLISH. Mr. Speaker, it is with great pride that I rise today to honor President Lee Teng-hui of the Republic of China on Taiwan.

President Lee has announced that he will sponsor an aid package amounting to US$300 million for the refugees in Kosovo. He should be highly commended for his leadership. President Lee's generosity should inspire other wealthy nations of the world to open their hearts and pockets to help the war-torn region.

Taiwan is a geographically small nation, yet its government and people have large, unselfish hearts. They recognize the need for generosity toward the Kosovars, and they are always more than willing to help the less fortunate throughout the world.

President Lee's offer of financial assistance to Kosovo is very generous, and Taiwan should be recognized by the United States and the entire world for this selfless, charitable action.

A FITTING HONOR FOR SHEILA DECTER

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. FRANK of Massachusetts. Mr. Speaker, on July 27 I will be here on the floor of the House. Ordinarily that would be a source of pride to me, because I very much enjoy serving in this institution and appreciate the privilege of doing so which I receive from my constituents. But on July 27, I will be here with some regret, because my presence in the House will mean that I will be absent from the event honoring Sheila Decter, Executive Director of the American Jewish Congress in Boston.

From my days in the Massachusetts Legislature in the 70s, through my current service in the House, I have relied on Sheila Decter's wisdom, knowledge, and commitment to fairness for all people in my effort to do my job. Sheila Decter is one of the great natural resources of Massachusetts, and no one better deserves the honor she will be receiving on July 27 than she.

In her work through the American Jewish Congress Sheila Decter exemplifies the notion set forward by the great Rabbi Hillel, because she shows that working to protect the rights of Jews in this country and elsewhere are not only compatible with a strong commitment to universal human rights, but in fact reinforces and strengthens that commitment. Sheila Decter exemplifies the point that fighting injustice against any one group is best done by putting that in the context of the fight against injustice everywhere. She has enriched the life of our community, and she has made my job a lot easier. And while I know that our rules require us to address all remarks to the Speaker, I hope I will be permitted an exception so I can say: Mazel Tov, Sheila.

CELEBRATING THE 40TH ANNIVERSARY OF LeCLAIRE CHRISTIAN CHURCH

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SHIMKUS. Mr. Speaker, I would like to take this opportunity to congratulate the LeClaire Christian Church of Edwardsville, Illinois which is celebrating its 40th anniversary.

Throughout the years, the church has seen great change as it has moved from Odd Fellows' Hall to Garfield Street to its present location on Esic. The church has also seen their membership grow by four times throughout the years. Through this growth the church has expanded construction in order to provide greater facilities for congregation and community use.

The Anniversary Committee, chaired by Twila Ellsworth said the celebration has brought back former members as well as ministers from the past.

I am happy to see the steps the anniversary committee has made to celebrate their past as well as continuing their steps to offer quality programs and services to the community.

YUMA AGRICULTURE FORUM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SCHAFFER. Mr. Speaker, this spring I held a widely-attended agriculture forum in Yuma, Colorado to hear from a panel of citizens representing Colorado's agriculture industry. Panelists shared their thoughts regarding the worsening agriculture economy in America and provided valuable suggestions for improving the industry's chances for success.

Record-low commodity prices, disease and weather-related problems, coupled with declining export opportunities and a weak demand, have taken a devastating toll on America's agriculture industry. Farm income has fallen dramatically over the past two years and it is difficult to predict how soon it might rebound. While Congress recently helped stave off disaster in rural America with an emergency assistance package, it is quite evident serious long-term policy decisions must be implemented to ensure the lasting future of rural agriculture.

Upon returning to Washington, D.C. from Yuma, I shared this report with House Agriculture Committee Chairman LARRY COMBEST, my colleagues on the House Agriculture Committee and other key Members of Congress in order to provide them with the valuable information and suggestions I received from my constituents. This information has already proven quite helpful in prioritizing the agricultural policy agenda for the 106th Congress and I have been asked to distribute it to all Members.

Therefore, Mr. Speaker, I hereby submit for the RECORD, the summarized comments and suggestions of Colorado's agriculture community.

DAVE FRANK, OWNER, MAINSTREET INSURANCE

When Mainstreet Insurance first began issuing multi-peril insurance policies to producers, the 1985 farm program was in effect which mandated participating farmers own crop insurance to cover potential nominal and catastrophic losses. This policy of mandatory coverage was reinforced under the Freedom to Farm Act of 1995, which imposed additional restrictions and sanctions upon uninsured producers. This is good for agriculture, because it encourages sound risk management practices among producers and can help prevent the need for frequent taxpayer-funded government bailouts.

However, following a year of historically low commodity prices, natural disasters, and lost export opportunities due to a worsening economic crisis in Asia and eroding markets in Europe and Latin America, Congress in

late 1998 found it necessary to provide nearly $6 billion in farm disaster and market loss assistance for American producers. Rather than provide higher relief payments to those producers who purchased crop insurance than to those who did not, Secretary Glickman provided the same level of relief to all qualifying producers. There is little incentive for some to invest in crop insurance if it is determined the government will step in and provide the same level of ''emergency'' assistance to all producers, regardless of coverage.

There are a number of ways to improve our current federal crop insurance program. First of all, the federal government should refrain from providing emergency or disaster relief to producers who signed non-insured waivers giving up their rights to any disaster payments. Much as an uninsured store-owner would not expect the government to take responsibility for his or her losses in the event of a fire, an equally uninsured farmer should not expect the government to cover losses stemming from another unforeseen disaster.

Secondly, the government should encourage higher levels of crop insurance coverage among producers. Currently, the Risk Management Agency (RMA) subsidizes the 50%, 55%, and 65% coverage level premiums at 32% of cost, while only subsidizing the 70% and 75% levels at 18% of cost. It is difficult to encourage farmers to move from the 65% to 70% coverage level if their indemnity will only increase a few dollars while their premiums almost double. Instead, the RMA should invert the subsidy schedule to encourage higher level of coverage. Many U.S. counties are now testing coverage plans up to 80% and 85%. The RMA should consider testing plans up to 90%, 95%, or even 100% of farmers' Actual Production History (APH).

The RMA also must become more customer service-oriented and more attentive to the changing needs of producers operating under a new, market-drive agriculture program. Crop production and crop practices have changed rapidly and dramatically since the 1995 Farm Bill. Many farmers are changing their rotations and planting different crops, while others are planting continuous crops. There are a number of clients who live in one county, yet their land extends over into the next county. In many cases, the RMA allows a crop to be insured in one but not the other. The land is the same, the crop is the same, and the farmer is the same, yet only part of the crop is allowed to be covered by crop insurance. Discrepancies such as these discourage sound management practices at the very time the government should be encouraging them.

RANDY WENGER, INSURANCE AGENT, PRODUCER

One of the biggest problems clients encounter centers around the use of the Average Production History (APH). When farmers have three or four years of losses in a row, the APH suffers considerably. Furthermore, even though the APH is capped at 20 percent, producers are assessed a 5 percent surcharge in order to cap their policies, and therefore suffer twice.

The first way to improve the APH would be to eliminate the 5 percent surcharge. Secondly, the 20 percent cap on the APH should be removed. Thirdly, the APH should not be allowed to fall below the transitional year yields stated in the actuarials. Many companies are aggressively pursuing new and innovative policies for higher subsidies, but such policies are often quite costly to acquire.

It would also be very helpful to extend the insurance sales deadline past March 15th, possibly until April 15th or May 1st. Such an extension would allow uninsured producers, or those with policy caps, to sit down and discuss various policy options with insurance providers to determine the most appropriate and efficient plan.

ELENA METRO, EXECUTIVE DIRECTOR, COLORADO PORK PRODUCERS

Agriculture producers are suffering considerably from overly-burdensome federal environmental regulations often based upon emotion rather than upon sound science. Furthermore, environmental regulations, whether based upon science or emotion, significantly drive up the price of agricultural goods. Consumers increasingly want goods which are convenient, nutritious, environmentally sound, and inexpensive. While it is certainly the consumers right to want these things, it is becoming more and more difficult, even with new technology and increased efficiency, to provide such products at the low prices consumers prefer. Burdensome regulations needlessly drive up production costs and subsequently consumer prices.

America must work ever harder to open foreign export markets for our producers and ensure free and fair trading policies at home and abroad. Not only is it vital to secure expanding overseas market-share for domestic goods, but we must also guarantee fair competition at home. Statistics show Americans are eating over four pounds of additional protein per year. Such an increase suggests more of this protein will be purchased from foreign producers, which in turn means we must assure fair import policies and a fair competitive environment for Colorado and U.S. producers.

Urban encroachment is another issue of major concern to farmers and ranchers and the future of agriculture. We are losing more and more agricultural land to development each year and in the process sacrificing valuable farmland which can never be reclaimed for production agriculture. As an illustration, there is a man who farms two miles away who had just finished spraying his wheat field for pests. The next day, he was walking on his land when he spotted two women riding horses through his property. ''Excuse me ma'am, but this is my land you are riding on,'' he said. ''But it's just a field,'' one of the riders replied. ''No,'' the farmer responded, ''I just sprayed chemicals on my crops yesterday which could be hazardous to your horses.'' One of the women spun her horse around to face him and said, ''Well, where do you expect us to ride then?'' The farmer replied, ''If you want to ride, then buy more land.''

This story represents a common occurrence, where farmers and ranchers, having kept to themselves and worked their land in an often secluded, rural environment for generations, are now experiencing encroachment from an ever-increasing population. Old homesteads are being replaced and surrounded by homes, businesses, shopping centers and apartment complexes. If such growth is not somehow managed, planned, or organized, the repercussions on the farming industry could be great.

For one thing, unemployed farmers and ranchers cannot simply walk across the street to find a new job like people who live in Denver. The loss of the hog industry to Eastern Colorado would create mass unemployment and economic depression. It would be similar to the loss of US West to Denver. Secondly, the reduction in domestic agricultural production would naturally lead to more reliance upon imported food. There is the possibility such products would not have the same high level of food safety expected of domestic products.

LARRY PALSER, VICE PRESIDENT, COLORADO WHEAT ADMINISTRATION

There are many reasons for the widespread discouragement among wheat producers today. U.S. producers are experiencing the lowest wheat prices in eight years, coupled with the largest stock since 1988. While acknowledging low prices can be attributed to the cyclical nature of commodity markets, we should also be working to turn the corner toward price improvement by selling and exporting more wheat. There are many reasons why export sales are not at the levels we would prefer to see, but the two primary areas include overall trade policy and sanctions reform.

One of the primary aims of the Freedom to Farm bill was increased market access for production. Over the past four years, wheat imports by six countries (Cuba, Iran, Iraq, Libya, North Korea, and Sudan) have more than doubled. Unfortunately, however, the United States has imposed strict trade sanctions prohibiting the export of U.S. agriculture products to every one of these countries. This represents approximately 15 percent of global demand for U.S. wheat exports and amounts to the largest self-imposed market-loss since the 1980 U.S.S.R. embargo. American farmers in 1998 harvested the largest supply of wheat this decade and now face the lowest levels of serviceable imports to account for the demand of the decade. This greatly contributes to the price-depressing carryovers we are currently experiencing. Access to these and other restricted markets is essential to the long-term success of the wheat industry.

Even with record-low prices for American wheat, foreign competitors are capable of undercutting U.S. prices through export subsidies such as those employed by the European Union. In addition, the Canadian and Australian Wheat Boards have utilized trade agreements to garner better tariff rates and higher wheat prices. The U.S. government should be fighting harder than ever to improve the competitive ability of domestic producers by strengthening our negotiating authority and securing more advantageous trade agreements. We should also level the playing field somewhat by fully utilizing the export enhancement programs, market development programs, PL480 and others to regain our rightful percentage of the world market. Finally, there should be in place a permanent mechanism to reimburse producers for market losses caused by U.S.-imposed sanctions and restrictions.

In regards to crop insurance, the other panelists are correct in their assessment we must do everything possible to strengthen and enhance risk management programs for producers. The federal funding mechanism should be inverted so that higher costing coverage policies have their premiums subsidized at a better rate. This would encourage producers to purchase higher coverage policies. Furthermore, if the United States moves away from federal disaster assistance programs, the crop insurance program and other risk management tools must provide adequate coverage at an economical price for producers.

STEVE THORN, FORMER OFFICER, COLORADO CORN GROWERS ASSOCIATION

Trade sanctions and trade policy issues have already been mentioned by other panelists, but these are definitely very vital issues for producers today. With over 70 global economies off-limits to U.S. producers due to trade sanctions, farmers and ranchers are subsequently denied access to nearly 50% of the total world market. In the past it has

been said that three out of every four bushels of corn will be used here in the United States, but that the price is tagged to the one bushel we sell overseas. Whatever the percentage is today going overseas, the prices we receive for our products are a whole lot less than they used to be. While U.S. producers are the most efficient coarse grain and feedstuff growers in the world, they are certainly not treated that way at home or abroad.

Part of the problem stems from the very nature of government-led farm programs. Once legislation is drafted, debated by committees, and voted on by the entire Congress, it ends up under the authority of unelected bureaucrats with little or no accountability to the producers they are charged with serving. The legislative proposal that once sounded so simple and helpful ends up as a convoluted mess by the time it works its way to the implementation stage. Most of the expenditures do not end up going where they were intended to go and policies rarely turn out right when implemented by the agencies. County Farm Service Agency (FSA) representatives, for instance, have had to postpone appointments for weeks sometimes because of delays in receiving proper information and support from the USDA.

It is very important to provide producers with a strong and viable safety net, but whatever policy is enacted must be clearly delineated for agency follow-through and must allow for significant Congressional oversight. Lawmakers are capable of crafting successful legislation, but if it gets passed off to bureaucrats with little care or understanding of the original intent of the bill then it simply turns into another worthless piece of paper.

In addition, while Congress by nature must establish rules, regulations, laws and initiatives which apply to the entire country, there needs to be an understanding that what is right for Iowa is not necessarily right for northeast Colorado. Planting and harvesting times are different as are decisions regarding financial planning and insurance coverage. Colorado producers must be taken into consideration along with the rest of the country when deadlines are determined.

Finally, it is important to enact Fast Track trade negotiating authority for the president in order to ensure clean, effective trade negotiations and to help secure fair trade agreements for American producers. The North American Free Trade Agreement (NAFTA) sounded good on the surface, but there are several aspects which have turned out to be different than anticipated. The Mexican government, for instance, has not been importing dry beans at the level they said they were going to import. Not only that, but they have set up a permit system to restrict the level of imports and have not even been taking delivery on the beans for which they purchased the permits. Dry beans may store for longer periods of time than some wheat and some corn, and certainly longer than pork and beef, but they will not store forever. Facing such restrictions and uncertainties is harmful to American producers.

ROGER HICKERT, PRESIDENT, COLORADO LIVESTOCK ASSOCIATION

Cattle prices historically run in ten-year cycles. The last ten years, however, between natural occurrences and various issues within the industry, have brought significant changes to those cycles. In the early 1990's, specifically the winter of 1992, the industry saw big losses in the feeding industry along the high plains of the Texas Panhandle, Oklahoma, and Southwest Kansas. This resulted in a gap in the market and extremely high prices in 1993. As soon as the inventory was there, however, the market immediately corrected itself and that created extreme lows and major losses for the industry. Those losses now have extended for approximately five years and have been stretched out somewhat by the concentration in the industry. This concentration appears to have extended to the feeding industry as well as the packing industry and has created a whole new business atmosphere with different players and different reporting practices.

The National Cattlemen's Beef Association (NCBA) in its last convention moved to support mandatory price reporting of all live sales. This issue is a two-edged sword because not only would the high prices being eliminated need to be reported, but so would the unreported low prices. Most producers probably would not come in and say ''well, I sold cattle today for $0.58 even though the price is $0.62.'' Those are going to show up and probably change the average, so again, it is a two-edged sword. But it would help to determine what the good cattle are selling for.

Many of the problems faced by the industry, particularly the equity loss incurred over the past twelve months, have been some of the most tremendous ever faced by the feeding industry. Much of it can be attributed to indications the cattle industry was at a bullish point in the cycle and many in the industry moved away from risk management and dropped positions on the futures board. For many big companies, like Coke Industries, the loss was just too extreme to stay in the feeding business.

Another issue is the movement toward more alliances. Producer, feeder, and packer alliances are beginning to become the branded product, and as the industry moves toward branded products, producers and feeders will have to be very careful which brand or alliance they get into. Dr. Gary Smith of Colorado State University (CSU) suggests that in the next five years, those not involved in an alliance will probably not be here in the next five years, and that choosing an alliance will probably be the most important decision they make within that time period.

A significant concern for the industry right now is the European Union (EU) hormone ban on beef, particularly since exports account for 10 percent of the industry's business. This ban is nothing more than a trade barrier because there is no scientific evidence anything is wrong with the meat. It is simply a way to deny market-share to U.S. producers. The American beef producer can compete with anybody in the world on a level playing field, but they cannot compete against Canadian producers who benefit from heavy grain subsidies and can feed cattle for half the price. It is not fair that Canadian producers benefit from this subsidy and then haul their live cattle to local areas to be slaughtered and stamped by the USDA.

While the Colorado Livestock Association has officially taken a neutral stance on the country-of-origin labeling issue, it is certainly one with which the industry must contend. There are many in and out of the industry calling for such labeling, but such a policy, if enacted, could work both ways for the U.S. industry. The more informed consumer, it is believed, will prefer to purchase U.S. beef, which is widely considered to be the best and cheapest product available in the world. But there are some among the public who may decide for whatever reason to purchase Australian or Argentinean grass-fed beef instead.

Congress must also work to pressure federal agencies to cut down on unnecessary regulatory burdens. Environmental regulations from the Environmental Protection Agency, in particular, have grown ever more restrictive and significantly cut into agriculture profits. The industry is working hard to stay ahead of the regulations, but many smaller feed lots find it very difficult to afford the $15,000 to $20,000 just to keep up with the environmental regulations.

JERRY SONNENBERG, COLORADO FARM BUREAU

It is important any environmental regulations promulgated by the EPA be based upon sound science. These regulatory burdens do cost a lot of money and do cut down on profitability and productivity, but if they are deemed to be absolutely necessary, they must work for everybody and be backed by sound science.

Country-of-origin labeling is an important policy to implement. There are some who may prefer Australian or Argentinean beef, but the fact is most consumers believe American producers raise the best and safest commodities and food in the world and we should be confident and proud to put our name on it.

It is imperative the United States works to open foreign markets. As mentioned earlier, the more than 70 countries currently sanctioned by the U.S. government represents a significant market for the U.S. agriculture industry. Agriculture generally takes the brunt of most imposed sanctions, and when U.S. products are denied access to a market, another exporting country will supply the product in our place.

We must not eliminate and sanction foreign markets at a time when world population is forecast to increase, and possibly double, within the next 50 to 60 years. The United States has a surplus of agricultural products, yet 25 percent of the world is considered to be under-nourished. The U.S. must find ways to deliver its goods to that 25 percent, whether through the utilization of the Export Enhancement Program (EEP) or through other means.

The Endangered Species Act (ESA) has really tied the hands of American producers domestically through its use of ambiguous and disputable policies and restrictions. In particular, the designation and regulation of potential Preble's Meadow Jumping Mouse habitat land has not been based upon known facts or sound science. For example, at the same time the Fish and Wildlife Service documents the mouse never strays beyond 150 feet from waterways, the EPA is calling for a 300-foot buffer. The EPA's regulation simply does not correspond with the known facts and science as documented by the agency with jurisdiction over the issue. The burden of proof must lie with the federal government in proving beyond a doubt the presence of this species, in addition to documented proof it is in fact threatened, before imposing burdensome regulations on America's farmers and ranchers.

RON OHLSON, DIRECTOR, YUMA COUNTY FARM SERVICE AGENCY (FSA)

The role of the Farm Service Agency (FSA) is to work face to face with local producers and help them utilize available programs and tools. When assisting with programs such as the Crop Loss Disaster Assistance Program, the fewer levels of bureaucracy the program must pass through on the way to the producer, the better. This program, for instance,

looks nothing like the plan originally passed by the Congress because of all the bureaucracy. There should be some way for local FSA representatives to make minor policy changes and avoid duplication with other agencies in order to better serve producers. Over the past seven or eight years there has also been a deterioration in the grass-roots nature of coordination and assistance. Now, local control is increasingly considered to be an area, state, or regional office. This assistance must continue to be administered by those who know the producers and their needs best.

While a number of farm programs are supposed to be phased out under the Farm Bill, agency staff is being reduced faster than the programs they are expected to administer. Ongoing programs are difficult to maintain, particularly when insufficient staff is available to administer and implement the large, ad-hoc programs that develop quickly and unexpectedly like this Crop Loss Disaster Assistance Program. County offices must be given the time and ability to implement the programs correctly and efficiently the first time. The implementation software for this particular program, for instance, did not arrive from Washington, D.C. in a timely manner and it made things very difficult.

It is getting to the point that many offices do not know how they are going to handle the high workload. The counties of Eastern Colorado have among the largest workload around. The seven counties in this district have a higher workload than Utah and Nevada. Large programs and tasks are delivered to the understaffed offices as priority items but none of their other projects can be set aside or delayed. The level of paperwork is immense too—it might be helpful to revisit the Paperwork Reduction Act to determine if it is being fully implemented.

Many producers in this area are also very concerned about the Kyoto treaty. This treaty, if approved and implemented, will have a severe impact on the agriculture industry, which is expected to shoulder a large share of the burden.

DEB NICHOLS, EXECUTIVE ADMINISTRATOR, IRRIGATION RESEARCH FOUNDATION

The Irrigation Research Foundation is a privately owned, non-profit, independent research and demonstration site. It is the only research station focusing on irrigation and is located over the Ogallala Aquifer. The primary purpose is to find ways to make production more economical and to demonstrate wise water use.

Earlier this decade, a group of local producers wanted to see studies useful to their own production and throughout the region. It was important to know what populations to plan, ways to work with soil compaction to produce better yields, different options for setting up variety trials, how to make more of a profit, and a way to see all of the different companies side-by-side to inspect their premier varieties. Ed and Jessie Troutman purchased a quarter of land north of Yuma in January 1994 from the Dekalb Seed Company and established the Irrigation Research Foundation. Today, the foundation has a board made up of diversified, farm-oriented individuals, both retired and working, who represent the banking industry, the insurance industry, dairy associations, cattle producers, commercial fertilizer sales people, and individuals from the University Cooperative Extension.

Some of the crops raised in 1998 were corn, wheat, sunflowers, soybeans, pinto beans, milo, sugar beets, millet, canola, field peas, and cotton. There is a silage plot, Iowa corn, transgenetic corn resistant to specific insects, a corn population study, herbicide-resistant corn, and the premier corn study is the water and nutrient management study.

The Irrigation Research Foundation works with Dr. Maudie L. Casey, a water specialist from Colorado State University (CSU), on a study which looks at variable fertilizer rates, population levels, and irrigation rates. This study is designed to determine the optimum which will produce the greatest profit, not necessarily the greatest yield.

In 1998, the foundation acquired a 5-year lease of dry land from the City of Yuma. While the primary focus of the Irrigation Research Foundation is on water, dry land research is also very important to many members. Evolving technology has presented new ways to manage dry land. The foundation is demonstrating ways to use continual cropping with various rotations to not only produce an annual yield, but also to at the same time preserve the soil, reduce wind erosion, and help wildlife.

The Irrigation Research Foundation also provides various forms of public service to the community. The foundation is currently arranging to hold several classes for the community through Morgan Community College, there are sugar beet planter test days where producers can have their equipment tested free of cost, training is available for commercial applicators and emergency personnel in the handling of hazardous products, such as fertilizers, chemicals, pesticides, and herbicides. The foundation also produces for the public an informative annual report and holds several field days throughout the year. Wheat field days are held in June, sugar beet days are held in September, and the premier show is the Farm Show held in August which allows affiliated companies to showcase their products, provides an opportunity for producers to learn about the foundation's studies, and presents an opportunity for many individuals in the industry to interact with one another.

ROSS TUELL, MEMBER, YUMA COUNTY ECONOMIC DEVELOPMENT COMMITTEE

The Yuma County Economic Development Committee is funded by the County of Yuma and the two cities of Yuma and Wray. The committee focuses primarily on retaining and expanding existing businesses by serving as an information service, helping write business plans, locate funding sources, and complete documents and forms. The committee also looks to add value to existing operations and add new businesses to the community. The most important effort is keeping producers on the farm, otherwise we lose them and the stores in town that serve them. One challenge is balancing the positives and negatives of expanding economic growth. The bigger the farms get, which they presently are, the larger the pieces of equipment they require, which means fewer implement dealers, fewer employees, and fewer businesses in town.

From a producer's standpoint, the policies that would help agriculture the most are those which would expand markets and reduce burdensome regulations and expenses. Specifically, the Congress and the president should work to enact Fast Track trade negotiating authority, eliminate the death tax, cut capital gains taxes, and lower the marginal income tax rate.

While some opposed to cutting capital gains taxes and the death tax claim it benefits only the extraordinarily rich in the country, it is simply not the case. The extremely wealthy do not worry much about these taxes. If they have something they want to sell or bequeath, they are going to do it anyway and the tax is not going to affect them much. But family farms are different. Families must sell the farm just to pay the taxes and then nothing is left.

Furthermore, as mentioned earlier in the forum, the U.S. must revise its policy regarding the sanctions currently imposed on over 70 countries. As Dr. Barry Flinsbaugh from Kansas State University (KSU) has stated, if the U.S. is going to continue using food as a weapon, we ought to change the way we do it. Instead of holding it back, we should simply give it to them. We are not fighting the people who are starving, we are fighting governments, and the governments do not care that the people are starving, which is why we have human rights concerns in the first place. It is much easier to throw forty metric tons of wheat at them than it is to throw a million-dollar piece of electronic hardware at them.

DAVE THOMAS, YUMA COUNTY COMMISSIONER

Commissioner Thomas addressed his comments to me. He said, ''Congressman, I would like to thank you for coming to Yuma County and for being our voice in Washington because we have a lot of concerns here today. I know you will carry those forward. All of the concerns mentioned today affect Eastern Colorado and I know you will be our voice.''

CINDY HICKERT, FORMER WASHINGTON COUNTY COMMISSIONER

While not a resident of Yuma County, Commissioner Hickert does conduct business here. For one reason or another, the Environmental Protection Agency (EPA) has been exerting more pressure on the Health Department to develop more of a paper trail. It should really be more important to get things done correctly than to concentrate more staff on creating a paper trail. As was mentioned earlier in the forum, any new regulations and restrictions must be based upon sound science.

Mr. Speaker, I would like to close by thanking all of the participants for their input. Mr. Tim Stulp moderated the forum and did an outstanding job of drawing many helpful thoughts and comments from our expert panel of speakers. I might also point out Mr. Speaker, that mid-way through the forum, Mr. Combest of Texas addressed the crowd, by telephone and loudspeaker, and assured Colorado producers of efforts in the House to strengthen America's agriculture economy.

INTRODUCTION OF ROCKY FLATS OPEN SPACE ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Rocky Flats Open Space Act. This legislation will preserve important open space and wildlife resources of this former nuclear weapons production facility in the heart of a major metropolitan area.

The Rocky Flats facility sits on land purchased by the federal government in the early 1950s for the production of nuclear weapons components. Since 1992, Rocky Flats' mission has changed from production of nuclear weapons components to managing wastes and materials and, cleaning up and converting the site

to beneficial uses in a manner that is safe, environmentally and socially responsible, physically secure, and cost-effective.

The land at Rocky Flats is generally divided into a buffer zone of about 6,000-acres and an industrial area of about 385-acres. The industrial area contains the building and facilities that were used to manufacture nuclear weapons components. The buffer zone has been generally used as an open space perimeter around the centrally located industrial area.

Since it was established in 1951, the Rocky Flats buffer zone has remained essentially undisturbed. This land possesses an impressive diversity of wildlife, including threatened and endangered species. It also represents one of the last sections of critical open space that makes up the striking Front Range mountain backdrop.

The concept of preserving this land as open space is not new. Recently, the city of Westminster, Colorado, just east of Rocky Flats, conducted a citywide poll asking residents how they thought the Rocky Flats site should be managed into the future. The results of that poll were released in February 1999 and they show that people overwhelmingly support the preservation of Rocky Flats as open space. In fact, 88 percent of the respondents picked open space as the preferred land use. Additionally, from 1993 to 1995, The Rocky Flats Future Site Use Working Group, composed of a broad range of local community representatives and the public, evaluated the potential future uses of the Rocky Flats site. In 1995, the Group issued a set of recommendations, which included keeping the buffer zone in open space. Furthermore, the 1996 Rocky Flats Cleanup Agreement and corresponding Rocky Flats Vision Statement, the documents which govern cleanup of the site, contemplate open space uses for the buffer zone. In short, my bill reflects the preferences of the citizens who live around the site by designating the buffer zone as open space.

Just last month, Secretary of Energy Bill Richardson designated about 800 acres of the northwest section of the buffer zone as the Rock Creek Reserve to preserve and protect the important wildlife, cultural and open space resources of this area. My bill complements the Secretary's action by acknowledging the important wildlife and open space opportunities of the entire buffer zone. Because a number of future management decisions still need to be made, my bill also creates a Rocky Flats Open Space Advisory Council, composed of representatives of the communities, citizens and state and federal agencies, to make recommendations as to how the buffer zone should be managed as open space.

It is important that there be a rational and more predictable process for addressing land use and the open space potential of Rocky Flats. My bill ensures that state and local government will have a seat at the table in determining the future of land use at Rocky Flats.

In addition, it is important to underscore that my bill will not affect the ongoing cleanup and closure activities at Rocky Flats. My bill encourages DOE to remain on track for the cleanup and closure of the site by the year 2006. It also directs that the bill's provisions for open space management cannot be used to establish cleanup levels for the site, and instead directs that the appropriate cleanup levels be based on public health and safety considerations.

Specifically, the Rocky Flats Open Space Act would declare that the lands owned by the federal government at Rocky Flats will remain in federal ownership, and that the lands comprising the buffer zone (about 6,000-acres) remain as open space. Additionally, the bill would create an Open Space Advisory Council, comprised of representatives of the local community and citizens, to make recommendations on the appropriate entity to manage the wildlife, wildlife habitat and open space resources of the buffer zone. The advisory council would also provide any other advice on how this open space resource should be managed. Furthermore, the bill would stipulate that the U.S. Department of Energy continues with all required cleanup and closure activities.

The bill would not establish the Rocky Flats industrial area as open space, but that would not be precluded by the bill if the communities find such use appropriate. Similarly, the bill won't affect the scope and schedule of cleanup and closure of Rocky Flats—it does not hamper achieving a cleanup and closure by the year 2006—or affect the historic former Lindsey Ranch Homestead facilities that presently exist in the buffer zone. It also won't affect the recently created Rock Creek Reserve established by the U.S. Department of Energy and the U.S. Fish and Wildlife Service for about 800-acres in the northwest area of the buffer zone.

CONGRATULATING CHIEF WARRANT OFFICER FIVE ANTONIO B. ECLAVEA

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. UNDERWOOD. Mr. Speaker, I would like to commend and congratulate Chief Warrant Officer Five Antonio B. Eclavea, a native son of Guam, on his very distinguished career and well-earned retirement. CW5 Eclavea has made his contribution to the strength and security of our nation through his faithful and professional military service.

By having been one of the first soldiers ever to be promoted to the grade of Chief Warrant Officer Five (CW5), Antonio B. Eclavea has brought great recognition to himself, the island of Guam and her people. Although the first warrant officers promoted to the rank of CW5 were selected in 1992, it was not until 1993 that the United States Army first appointed active duty CW5's. CW5 Eclavea holds the distinction of being the first Army warrant officer promoted to CW5 in the Adjutant General Corps.

Born on September 9, 1934, in the city of Hågatña, CW5 Eclavea initially served in the military through the United States Air Force. Attaining the rank of Master Sergeant, he made a career move and joined the Army in 1969. After eleven years, he traded his Air Force stripes for warrant officer's bars.

For over four decades CW5 Eclavea served at various posts, including tours of duty in Vietnam, Taiwan, Germany, and the Republic of Korea. He was also stationed at a number of stateside locations, earning the respect and admiration of superiors and troops. In addition to completing the Army Adjutant General Course and the Master Warrant Officer Course, he also received a Bachelor of Science degree in Economics and Business Administration from Marymount College. Awards and decorations conferred to him include, among others, the Distinguished Service Medal, the Legion of Merit, the Meritorious Service Medal, the Joint Service Commendation Medal, the Army Commendation Medal, and the Army Achievement Medal. Currently the most senior warrant officer in the United States Army, he is serving in his final assignment as the Assistant Executive Officer to the Army Chief of Staff.

CW5 Eclavea's distinguished military career is a source of pride for the people of Guam. I congratulate CW5 Eclavea on his outstanding achievements. Together with the people of Guam, I join his wife, Rose Marie, and his sons Johnny, Anthony, Michael, and Mark, in proudly celebrating his great accomplishments. I hope that he enjoys his well-earned retirement and wish him the best in his future endeavors.

IN HONOR OF NELSON CINTRON, JR.

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the first Hispanic Councilman in the City of Cleveland, Nelson Cintron, Jr.

Mr. Cintron has had many extraordinary accomplishments as a city councilman. He expanded the Puerto Rican Parade from 1 day to 4 days thus creating the Puerto Rican Society of Cleveland. Fulfilling a promise he made to his father, he brought the first 24 hours a day Hispanic Radio Station to Cleveland through Cablevision in 1991. He was also the first to win local primaries for Cleveland City councilman 1989, 1993, and to win the election in 1997, thus fulfilling another one of his life long dreams.

Mr. Cintron has also been an outstanding leader in his community. He is currently a member of several clubs and community organizations including: Alma Yaucana Club, Azteca Club, San Lorenzo Club, the Puerto Rican Society of Cleveland, Spanish American Committee, the Ohio Latin Broadcasting Inc, St. Michael Church, Latinos Unidos and the Hispanic Club.

Through his hard work and dedication to helping the Puerto Ricans in Cleveland, Mr. Cintron has set an example of what can be accomplished and has been a positive role model for the Hispanic community in Cleveland. Mr. Cintron is a tremendous inspiration to all Americans. Through his strong devotion he has been an exceptional leader in the Puerto Rican Community and has helped them make a name for themselves.

My fellow colleagues, please join me in honoring Nelson Cintron, Jr., a dear friend and the

first Hispanic Councilman for the City of Cleveland.

TAIWAN TO AID KOSOVAR REFUGEES

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. ROHRABACHER. Mr. Speaker, I rise to commend President Lee Teng-hui of Taiwan, who has announced Taiwan's decision to provide $300 million in aid for Kosovar refugees and the reconstruction of war-torn areas of Kosovo. The aid includes emergency food and shelter for Kosovar evacuees in Macedonia, as well as short-term occupational training in Taiwan to help refugees speed the reconstruction of war-ravaged areas.

President Lee and the government and people of Taiwan are to be congratulated for voluntarily participating in the international relief effort for the people of Kosovo. Their actions are in stark contrast to People's Republic of China's hostile attitude toward the United States and NATO and their political obstruction to maintaining peace in the fragile democratic nation of Macedonia. This generous humanitarian action by Taiwan, a nation of 21 million freedom loving people, who live in the threatening shadow of tyranny imposed on mainland China, emphasizes the reason that the United States must remain a loyal friend and unwaveringly support the defense of freedom for the Taiwanese people.

I am enclosing for the record a copy of President Lee's June 7, 1999 presidential statement regarding assistance to Kosovar refugees.

PRESIDENTIAL STATEMENT REGARDING ASSISTANCE TO KOSOVAR REFUGEES

The huge numbers of Kosovar casualties and refugees from the Kosovo area resulting from the NATO-Yugoslavia conflict in the Balkans have captured close world-wide attention. From the very outset, the government of the ROC has been deeply concerned and we are carefully monitoring the situation's development.

We in the Republic of China were pleased to learn last week that Yugoslavia President Slobodan Milosevic has accepted the peace plan for the Kosovo crisis proposed by the Group of Eight countries, for which specific peace agreements are being worked out.

The Republic of China wholeheartedly looks forward to the dawning of peace on the Balkans. For more than two months, we have been concerned about the plight of the hundreds of thousands of Kosovar refugees who were forced to flee to other countries, particularly from the vantage point of our emphasis on protecting human rights. We thereby organized a Republic of China aid mission to Kosovo. Carrying essential relief items, the mission made a special trip to the refugee camps in Macedonia to lend a helping hand.

Today, as we anticipate a critical moment of forth-coming peace, I hereby make the following statement to the international community on behalf of all the nationals of the Republic of China:

As a member of the world community committee to protecting and promoting human rights, the Republic of China would like to develop further the spirit of humanitarian concern for the Kosovar refugees living in exile as well as for the war-torn areas in dire need of reconstruction. We will provide a grant aid equivalent to about US $300 million. The aid will consist of the following:

1. Emergency support for food, shelters, medical care, and education, etc., for the Kosovar refugees, living in exile in neighboring countries.
2. Short-term accommodations for some of the refugees in Taiwan, with opportunities of job training in order for them to be better equipped for the restoration of their homeland upon their return.
3. Furthermore, support the rehabilitation of the Kosovo area in coordination with international long-term recovery programs when the peace plan is implemented.

We earnestly hope that the above-mentioned aid will contribute to the promotion of the peace plan for Kosovo. I wish all the refugees an early return to their safe and peaceful Kosovo homes.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

SPEECH OF

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

The House in Committee of the Whole House on the State of the Union had under consideration 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, and for other purposes:

Ms. WATERS. Mr. Chairman, I rise to oppose this unjust and unfair rule. The Majority Leadership is still refusing to allow several Democratic amendments to be considered by this House. I am especially opposed to this rule because my amendments to extend Section 2323 of Title X of the U.S. Code were not ruled in order.

Section 2323 established a five percent contract goal for small disadvantaged businesses and certain institutions of higher education, including Historically Black Colleges and Universities and Hispanic-serving institutions. Achieving this modest goal is the objective of the Department of Defense, the Coast Guard and NASA. This important law is scheduled to expire in the year 2000.

I proposed two amendments to extend Section 2323 beyond the year 2000 and improve the implementation of this important provision of law. My colleague, Ms. VELÁZQUEZ, also proposed two amendments to extend and modify Section 2323. So there were four different proposals regarding contracting for small disadvantaged businesses and minority institutions and none of them were ruled in order by the Republican leadership.

Recent trends have provided compelling evidence for the continuing need for affirmative action goals in Federal contracting. Following the Adarand v. Pena decision by the Supreme Court, the Federal Government undertook a review of affirmative action programs, and subsequently, 17 of these programs were altered or eliminated.

These changes have led to a significant drop in the number of Federal contracts awarded to minorities and women. For example, in 1995, the Department of Energy, which contracts out 80 percent of its purchases of goods and services, awarded $215.8 million in contracts to women and minority-owned businesses. In 1997, the amount dropped to $66.1 million. It would be extremely unfortunate if a similar decrease in Federal contracting with minority-owned businesses were to occur at the Department of Defense, the Coast Guard and NASA.

Section 2323 is a modest goal to encourage contracts with minority-owned businesses and other small businesses. As a result of this provision, many businesses owned by socially and economically disadvantaged individuals have been able to compete for, have been awarded and have executed Defense, NASA and Coast Guard contracts. Section 2323 has allowed small disadvantaged businesses and minority institutions of higher education to make a positive contribution to the national security of the United States.

I urge my colleagues to oppose this unjust rule and support a fair rule that will allow the Members of this House to consider the extension of Section 2323.

A TRIBUTE TO THE LATE MICKEY MENDOZA

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. ROTHMAN. Mr. Speaker, I rise today to pay tribute to the late Mickey Mendoza of Saddle Brook, New Jersey, a young man whose life was ended in a tragic incident in Ecuador on April 11, 1999. Regrettably, to this day, no full explanation has been offered by Ecuadorian officials to describe the circumstances surrounding Mickey's death. All that we know for sure is that a bullet from a gun belonging to a police officer in Guayquil, Ecuador senselessly ended the life of a promising fourteen-year-old American citizen.

I met with Mickey's parents, Galo and Doris and their three children shortly after this death and I know the pain they are enduring. Today I have come to the floor of the U.S. House of Representatives to say that I fully share the Mendoza family's desire to get to the bottom of how Mickey died. They are owed this answer and I intend to continue my work with U.S. officials in Ecuador to ensure that they get a full accounting of what led to Mickey's death.

Mickey Mendoza was, in almost all respects, living the American dream. He was a bright and energetic student at Saddle Brook Middle School. He was active in sports, taking part in his school's wrestling team and playing soccer in a recreational league. In addition, after school, Mickey was attending confirmation classes at Mount Virgin Roman Catholic Church in Garfield, New Jersey. His creativity, his energy, his thoughtfulness, and all this has been taken from us.

Father Paul Bochicchia, pastor of Mickey's church, after learning of his death, recounted

that Mickey was especially protective of his little nine-year-old sister, Isabella. What better tribute than to remember Mickey as a fourteen-year-old boy who cared for his little sister. This tells us everything we need to know about who Mickey was and why his death has touched the lives of so many people.

Among the many messages of sympathy that the Mendoza family have received, I read one that I would like to share with my colleagues. This letter was written by Anthony Maneri, Mickey's classmate at Saddle Brook Middle School; ''Mickey was a great pal. He always could make you laugh, even at sad times. He always knew the right things to say to make people laugh. He was a great friend and I am going to miss him. I will never forget him.''

PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS: A MODEL IN SCHOOL VIOLENCE PREVENTION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. HOYER. Mr. Speaker, I rise today to recognize and congratulate the Prince George's County School System as one of our Nation's most innovative and successful school violence prevention programs. In the wake of the tragedies at Columbine and Conyers High School, it is important to highlight those schools which serve as a model for other school districts to follow.

As the 18th largest school district in the nation, the faculty and staff of the Prince George's County Public School system educates one of the most diverse student populations of any district in the Nation. This week, as we continue our dialogue and focus on solutions to making our schools a safer place to learn, perhaps we can look to many of the programs already in place in Prince George's County and across the State of Maryland.

Under the direction of retiring Superintendent Dr. Jerome Clark and Dr. Patricia Green, Chief, Divisional Administrator for Pupil Services, Prince George's County has implemented a regimen of programs including peer mediation, early intervention, and placement of probation specialists within schools.

The Peer Mediation program has been one of the most successful. By placing a peer mediation teacher on staff at each of the 20 high schools and 26 middle schools, students are learning now to intervene and peacefully resolve conflicts. The program has recently been instituted on the elementary school level where teachers and guidance counselors at more than 100 of the district's elementary schools are trained on the importance of creating a healthy learning environment.

Another program, called the ''Justice in Cluster Program'' has been so successful that the State of Maryland used the program as the model to create the statewide ''Spotlight on Schools.'' By teaming up with the Maryland Department of Juvenile Justice, each cluster of schools is able to provide two probation specialists who work with the local high school, middle school, and elementary schools to assist guidance counselors, peer mediation teachers, school psychologists, and administrators in working with troubled students and ensuring that they remain out of the juvenile justice system.

Early intervention programs are also proving to be successful. ''Second Step,'' a program featured in a 1997 study by the University of Washington, teaches children to change attitudes which may lead to violent behavior. Through learning empathy, impulse control and anger management, students in kindergarten through grade six are learning how to react nonviolently to various situations. The program is currently in place in 67 elementary schools and the Prince George's County School System has been asked by the Maryland State Department of Education to become the regional training center so that other school districts can replicate this successful program.

These are just three of the many positive programs being implemented just beyond the borders of our Nation's Capitol. With a number of successful federal programs in place like D.A.R.E., G.R.E.A.T., and the COPS program, we are in a position to provide a comprehensive plan for reducing school violence. I salute the Prince George's County Public School System for its dedication to safety and encourage my colleagues to look to this school system as one which may have solutions to the many problems facing our education system.

IN HONOR OF SAINT ALOYSIUS PARISH ON ITS 100TH ANNIVERSARY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to pay tribute to the Saint Aloysius Parish of Cleveland, Ohio on its 100th anniversary.

The church serves its parishioners and the communities of Glenville and South Collinwood through education, social services and the preservation of faith values. Two schools, St. Aloysius and St. Joseph's, offer education to students in kindergarten through eighth grade. The schools are known for their excellence in academics and the strong sense of community between teachers, students and parents. St. Aloysius reaches out to community members of all faiths through its social services operations. The church runs a food distribution program that provides 700 to 800 bags of food to needy families in the area once a month. Working with nearby parishes and local food banks, the church also provides a hot meal program every Tuesday which serves up to 700 hot meals.

St. Aloysius was founded in 1898 by Rev. Msgr. Joseph Smith for the area's predominantly Irish-American population. As the population in the area changed, the pastors worked to improve racial relations in the area. Today, the parish serves the present African-American community.

In 1974, the parish merged with neighboring St. Agatha Church. The tight-knit parish community worships in the church known as ''the Cathedral of Glenville'' and prides itself on knowing all its members.

St. Aloysius has been celebrating its 100th anniversary since last summer. Parishioners have been commemorating their church's history by celebrating Mass, holding cultural events and creating a memories wall with photos of past and present members.

As a honorary committee member of the St. Aloysius parish I take great pride in commending the entire congregation on its century of serving the community through faith, education and outreach programs. I urge my colleagues to join me in wishing the St. Aloysius community many years of continued success.

INTRODUCTION OF THE JAMES PEAK WILDERNESS ACT OF 1999

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the James Peak Wilderness Act of 1999. This legislation will provide important protection and management for some striking mountain open space along Colorado's Continental Divide west of Denver. These lands, which include the 13,294-foot James Peak, are the heart of the largest unprotected roadless area on the northern Front Range.

The James Peak area that will be protected by my bill offers outstanding recreational opportunities for hiking, skiing, fishing, and backpacking, including the popular South Boulder Creek trail and along the Continental Divide National Scenic Trail. James Peak is one of the highest rated areas for biological diversity on the entire Arapaho National Forest, including unique habitat for wildlife, miles of riparian corridors, stands of old growth forests, and threatened and endangered species. The area includes a dozen spectacularly situated alpine lakes, including Forest Lakes, Arapaho Lakes, and Heart Lake. Many sensitive species such as wolverine, lynx, and pine marten only thrive in wilderness settings. Adding James Peak to the chain of protected lands (wilderness and National Park lands) from Berthoud Pass to the Wyoming State line will promote movement of these species and improve their chances for survival.

My bill will designate 22,000-acres of the James Peak roadless area as wilderness. This area will be added to the Colorado Wilderness Act of 1993—the last major wilderness legislation passed for federal public lands in Colorado. Last year, my predecessor, Congressman David Skaggs, introduced a similar bill that would have protected 15,850-acres of the James Peak roadless area as wilderness. The increase in my bill is due to the inclusion of lands with Grand County that were excluded from the Skaggs bill. These acres were included to preserve the integrity of the James Peak area and protect important lands within this roadless area in Grand County. My bill also does not include 7 small wilderness additions that were in Skaggs' bill. I am evaluating these lands for a possible future bill.

My bill also includes provisions encouraging the Forest Service to acquire two in holdings

within the proposed wilderness in Grand County. These lands are a section of State Land Board Land and a private mining claim. My bill will also address the need to provide facilities at the Alice Township and St. Mary's Glacier. This area is experiencing increasing use as a forest access point, and there is a need to supply adequate services for visitors in this area. My bill will also direct the Forest Service to remove an abandoned radio tower facility on Mt. Eva near James Peak.

As my bill will be an addition to the Colorado Wilderness Act of 1993, the James Peak Wilderness will be subject to the water provisions of that Act thus avoiding potential conflicts related to water. In addition, James Peak is a headwaters area, so there will be no conflicts with existing water rights.

As wilderness, the James Peak area also will be subject to the Wilderness Act of 1964. Under this Act, activities such as hiking, horseback riding, hunting, fishing, rafting, canoeing, cross-country skiing and scientific research are allowed. In addition, use of wheelchairs, treatment of diseases and insects, fire suppression activities and research and rescue activities will be allowed. Activities that would be excluded include motorized vehicle use, mining, timber harvesting, oil and gas drilling, road building and the use of motorized and mechanized equipment. In addition, my bill has been drafted in such a way as to avoid conflicts and to address concerns that were expressed during the development of Representative Skaggs' bill. Specifically, my bill addresses the following issues:

Private Lands. My bill is drawn to avoid potential conflicts with private interests by excluding private lands and facilities.

Recreation: My bill does not include the Rollins Pass road between the James Peak roadless area and the existing Indian Peaks Wilderness Area to the north. This road is used for recreational access for mountain bikers and snowmobiles. In addition, areas along the proposed western boundary within Grand County have been excluded from my bill to address recreational access to area and trails used by mountain bikers and snowmobiles. These areas include the Jim Creek drainage and the area south of the Rollins Pass road on the Grand County side.

Search and Rescue. As already provided by the Wilderness Act, activities related to the health and safety of persons within the area will be allowed, including the need to use mechanized equipment to perform search and rescue activities.

Timer and minerals. About one-third of the area is timbered—or 8,300-acres—and one-third of this is old growth. Steep slopes and lack of road make the area's timber uneconomic to harvest. The area has low mineral potential.

Grazing. The area contains only one active grazing allotment with a yearly stocking level of 60 cows and calves. Under the Wilderness Act grazing can continue.

101ST ANNIVERSARY OF INDEPENDENCE OF THE PHILIPPINES

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. UNDERWOOD. Mr. Speaker, this Saturday, June 12, 1999, the Republic of the Philippines and Filipinos all over the world will commemorate the 101st anniversary of the proclamation of their independence from Spain.

Outside the group of ecstatic, enlightened and freedom-loving patriots from within the archipelago's more than 7,000 islands, very few people were even remotely aware of the implications of the summer day's events of June 12, 1898. A century later, we have come to recognize the significance of the proclamation read from a balcony in Kawit, Cavite, 101 years ago.

This manifesto, closely resembling the document our forefathers signed in 1776, has come to symbolize a people's aspiration, desire and capacity to stand their ground, take control and chart their own destiny. On June 12, 1898, the Filipino people boldly declared that the desire to be a free republic is not a uniquely Western concept. The day General Emilio Aguinaldo first unfurled the Filipino flag amidst the inspiring strains of the Philippine National Anthem signalled the birth of the first republic in Asia, an event witnessed by jubilant Filipinos and curious foreign observers alike. For the first time, a political system dedicated to the ideals of democracy and popular representative government was instituted in a part of the world that, until that day, had automatically been associated with tyranny and despotism.

Although short-lived, this declaration is testament to a freedom-loving nation's devotion to the ideals of liberty and democracy. The events of June 12, 1898, rejected oppression and foreign domination. It has served as an inspiration to other peoples suffering from colonialism.

The people of Guam share deep cultural and historical ties with the Philippines. The island's population includes a large number of Filipino immigrants. Over the years, as in numerous other locales, they have integrated themselves with the island community and made themselves a vital force in the development and growth of Guam.

I am honored to join the Filipino people in the commemoration and celebration of their history. I extend my congratulations to them on the 101st anniversary of the declaration of Philippine independence.

INTRODUCTION OF THE EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES ENHANCEMENT ACT OF 1999

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. RANGEL. Mr. Speaker, I rise today to introduce bipartisan legislation to revitalize low-income communities throughout our Nation. The bill would provide grant funding for the communities recently designated as Round II Empowerment Zones, Enterprise Communities and Strategic Planning Communities. In combination with various tax incentives, this direct funding will help stimulate job growth and economic revitalization in inner-city, rural, and Native American communities that have yet to benefit from our Nation's growing economy.

As the result of a bipartisan collaboration between myself and Jack Kemp in 1993, Congress created nine Empowerment Zones (6 urban/3 rural) and 94 Enterprise Communities (65 urban/29 rural), which provided several tax incentives for businesses to invest and locate in economically depressed inner-city and rural areas. OBRA 1993 also provided these same communities with approximately $1 billion in direct Social Services Block Grant funds, which are being used to address particular barriers to increased employment and economic development, such as shortages in job training, child care, housing, and transportation. By 1997, the Round I EZs and ECs used their grant funds and tax incentives to create nearly 20,000 new jobs for people who previously had little or no economic opportunity.

A second round of 20 Empowerment Zones (EZs) was authorized by the Taxpayer Relief Act of 1997 to build on the success of the original 9 EZs. However, unlike the original EZs, Round II Zones have not yet been provided with Social Services Block Grant funding.

To provide Round II designations with the same advantages as the original EZs, the Empowerment Zone Enhancement Act would provide $97 million over 9 years for each urban Empowerment Zone, and $38 million over 9 years for each rural Empowerment Zone. In addition, the bill would provide one-time allocations for other needy rural and urban areas: $3 million in FY 2000 for each of the 20 new Rural Enterprise Communities and $3 million in FY 2000 for each of the 15 urban Strategic Planning Communities. Along with the tax incentives and bonding authority already approved by the last Congress, this new grant funding is expected to help create and retain about 90,000 new jobs and stimulate $20.3 billion in private and public investment over the next ten years.

Mr. Speaker, the Empowerment Zone concept, which emphasizes business development and community renewal, is a clear success story. In my home town of Harlem, I have witnessed first hand the ability of Empowerment Zones to help renew investment and economic development. Other regions of the country are waiting for a similar economic revival. I therefore strongly urge my colleagues to join me in this effort to provide increased economic opportunity for more Americans.

EDITOR DAN WARNER RETIRES AFTER 44 YEARS IN THE NEWS BUSINESS

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. MEEHAN. Mr. Speaker, I rise tonight to pay tribute to one of the nation's finest newspaper editors, Dan Warner, who is retiring after 44 years in the news business and 27 years as Editor of The Eagle-Tribune, in Lawrence, Massachusetts. Under the leadership of publishers Irving E. Rogers Jr., who passed away last year, and Irving E. ''Chip'' Rogers III, who is steering the business into the new millennium, Dan has guided one of the last independent, local, family-owned newspapers in America through a period of unprecedented growth, change and success.

As editor and in his Sunday columns, Dan was always a tireless advocate for Eagle-Tribune readers, the community and the people and institutions of the Merrimack Valley. He believed in the intrinsic value of factual reporting and its ability to provoke and inspire readers to get more involved in their community. He created an ethic among reporters that their solemn duty to both readers and subjects was to cover the news fairly and aggressively and always to present the human dimension of a story. Dan also was a pioneer in the use of bright colors, bold graphics and innovative design to deliver the news in a more attractive and reader-friendly package. He leaves his successor, Steve Lambert, a publication that has been recognized as one of the best regional newspapers in the United States.

Under Dan Warner's stewardship, The Eagle-Tribune received the highest honor in journalism, the 1998 Pulitzer Prize for general news reporting for its probe of the Massachusetts prison furlough program. He also led the newspaper to be honored twice as a Pulitzer Prize finalist for exposing corrupation in international hockey and telling the story of the tragic fire that nearly destroyed Malden Mills in the heart of Lawrence's poorest neighborhood, and the heroic effort to rebuild the business. Dan also guided The Eagle-Tribune to 11 awards as New England Newspaper of the Year and scores of prizes for exemplary reporting, photography, commentary, design and public service.

Born and raised in Ohio, Dan adopted the Merrimack Valley as his home 30 years ago and displays the love and caring for the region of a native born citizen. He is a devoted friend and dedicated family man. Even when he disagrees with you, as I have experienced more than once, Dan always gives you a fair hearing to present your point of view.

Mr. Speaker, Dan Warner is a man who prodded leaders of government, industry and community to do better, and always remembered that the people he spoke for did not always have a voice in the corridors of power. On behalf of the people of the Merrimack Valley, I wish him a happy retirement with his wife, Janet, his two children and his beloved little dog, Rewrite.

TRIBUTE TO PALISADES PARK, NEW JERSEY ON THE OCCASION OF ITS CENTENNIAL ANNIVERSARY

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. ROTHMAN. Mr. Speaker, I am delighted to recognize the Borough of Palisades Park on the occasion of its centennial anniversary.

During the last decade of the last century, the New Jersey State Legislature passed legislation which made it possible for any community to organize itself into a Borough. The residents living in the area that would become Palisades Park took advantage of this opportunity and filed the requisite papers with the court in Hackensack. In 1899, the Borough of Palisades Park was created.

Over the past 100 years, Palisades Park has grown into a vital part of Bergen County and the State of New Jersey. While its tree-lined streets evoke memories of a simpler time in our nation's history, the hustle and bustle of its main thoroughfares make it clear that Palisades Park has grown into a modern and thriving community.

Over the course of the past one hundred years, Palisades Park has grown into one of New Jersey's most vibrant towns. It has developed into a vital economic force and can boast of being called home by a rich mosaic of cultures. The countless gifts and special talents of its residents have helped make it a terrific place to live and raise a family.

The many individuals whose tireless efforts and contributions have imbued Palisades Park with its unique spirit of community should be commended for giving her sons and daughters a rich legacy from which to learn. Palisades Park's future is bright and I anticipate hearing news of its newest successes and triumphs in the years to come.

Mr. Speaker, I encourage all of my colleagues in the U.S. House of Representatives to come and visit Palisades Park to experience the Borough's beauty firsthand.

HOYER-GREENWOOD BILL RESTRICTING LATE-TERM ABORTIONS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. HOYER. Mr. Speaker, abortion is one of the most difficult and divisive issues facing the public today. Like most Americans, I would prefer that there were no abortions. Also, like most Americans, I believe the decision is one that is for the woman and family involved, not the Government.

However, I oppose late-term abortions, except for the most serious and compelling of reasons. I am specifically and adamantly opposed to what some refer to as ''abortion-on-demand''—after the time of viability. For that reason, I and others have introduced the ''Late Term Abortion Restriction Act of 1999.''

The specific intent of this legislation is to adopt as Federal policy, a prohibition on post-viability, late-term abortions. Critics of this legislation point out that there are exceptions. They are correct. We believe that in the event that the mother's life is in danger or where the continuation of the pregnancy will pose a threat of serious, adverse health consequences to the woman, then and only then can this prohibition on late-term abortions be overcome.

I introduced this legislation in both the 104th and the 105th Congress. I did so then because I am opposed to abortions being performed after the viability of a fetus, except for the most serious of health risks if the pregnancy is continued.

This prohibition is similar to restrictions on late-term abortions in 41 of our States, including my own State of Maryland. Those States believed that it was appropriate policy to prohibit late-term abortions ''on demand.'' We share that view.

Those who oppose abortion under almost all circumstances at any time during the course of pregnancy have criticized this legislation as meaningless. They do so because they believe that some doctors will contrive reasons to justify a late-term abortion. I do not doubt that may happen. But if it does, it will be illegal under this act and subject the doctor to the penalties set forth in the bill and to such professional sanctions as are imposed by the appropriate medical societies and regulatory bodies.

This legislation is much broader than the partial-birth abortion bills introduced by others in the 104th and 105th Congress. Those bills and the Partial Birth Abortion Act of 1999 recently introduced in the Senate had and continue to have at their purpose, the elimination of a particular procedure to effect an abortion at any time during the course of the pregnancy.

To that extent it is inaccurate and misleading to define it as many proponents and press reports have, as a prohibition on late-term abortions. It is both much narrower and, at the same time, broader than that. It is my belief that its terms would not prohibit the performance of a single abortion. They would simply be performed by a different procedure.

Congressman JIM GREENWOOD and I are introducing this legislation today with 14 other bipartisan original cosponsors. This bill, in contrast to the partial birth abortion bills, would prohibit all late-term post-viability abortions by whatever method or procedure that would be employed. While there are exceptions to this general prohibition, we believe that our bill will, in fact, prohibit all post-viability, late-term abortions that are not the result of a serious cause.

This legislation establishes a clear Federal policy against late-term abortions. We would hope that the Judiciary Committee would hold an early hearing on this legislation and bring it to the floor so that the Federal Government could adopt this sensible prohibition, which is similar to that adopted by over 80 percent of the States. They did so because their legislatures wanted to make it clear that late-term abortions were, in almost all circumstances, against public policy and against the law.

We should do the same.

IN HONOR OF FATHER McNULTY'S 25TH ANNIVERSARY OF ORDINATION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Father McNulty's 25th Anniversary of his Ordination as a Priest.

Father McNulty was born in October of 1948. He attended Borromeo High School, Borromeo College, Wickliffe and St. Mary's Seminary. Throughout the last 25 years Father McNulty has dedicated himself to helping others in his community. He has been involved in a number of different assignments in the greater Cleveland area. He is currently the pastor at SS. Philip and James in Cleveland as well as the Chaplain for the Ancient Order of Hibernians, the Ladies Ancient Order of Hibernians and is the Deputy National Chaplain for the Ladies Ancient Order of Hibernians.

His work has proven time and time again to be a tremendous help to the community and is a very well known and respected priest in the Cleveland area. Through his dedicated efforts the community has grown together. His work should be recognized as having a very influential and positive effect on the people in the greater Cleveland area.

My fellow colleagues, please join me in honoring Father McNulty's 25 years of service to the greater Cleveland community.

WHITE HOUSE FELLOWSHIP PROGRAM

HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. BASS. Mr. Speaker, I am pleased to pay tribute to a recipient of the distinguished 1998–1999 White House Fellowship Program—Lieutenant Commander Mark Montgomery of Sunapee, New Hampshire.

Established in 1965, the White House Fellowship program honors outstanding citizens across the United States who demonstrate excellence in academics, public service, and leadership. It is the nation's most prestigious fellowship for public service and leadership development. Each year, there are 500–800 applicants nationwide for 11 to 19 fellowships. Past distinguished U.S. Navy White House Fellow alumni have gone on to become exceptional military leaders and I have no doubt Commander Montgomery will be successful in his future endeavors.

This award is well-earned by an individual who carries himself with great professionalism and distinction in the finest traditions of our country's military history. Lieutenant Commander Montgomery was most recently Executive Officer of the destroyer U.S.S. *Elliot.* He was one of only a handful of liberal arts majors to complete the naval nuclear power program. Lieutenant Commander Montgomery has completed two overseas deployments on the nuclear powered cruiser U.S.S. *Bainbridge.* He also led a team of thirty *Bainbridge* sailors to provide disaster relief on the island of St. Croix after Hurricane Hugo. He later was assigned as Operations Officer of U.S.S. *Leftwich* and then to the reactor department of the U.S.S. *Theodore Roosevelt,* where he was deployed to Bosnia during air strikes. Commander Montgomery will be Commissioning Commanding Officer of U.S.S. *McCampbell.* In addition to his military service, Commander Montgomery is involved with the Big Brother organization.

Commander Montgomery's distinguished military career made him a perfect candidate for his current White House Fellowship assignment with the National Security Council. In this capacity, he manages the operation for the Critical Infrastructure Coordination Group, which is responsible for implementing presidential decision directives on critical national infrastructures. He also coordinates the interagency development of a National Infrastructure Assurance Plan, which formulates the Administration's efforts to protect our government and private sector infrastructures from terrorist attack. Commander Montgomery was a member of the U.S. delegation that traveled to the United Arab Emirates on a mission regarding security cooperation. Other responsibilities include working on the Counter-Terrorism Security Group and coordinating NSC policy on international Y2K issues.

The people of this nation can feel secure in the knowledge that individuals like Commander Montgomery are working for them. For his efforts, and in recognition of the well-deserved honor of serving as a White House Fellow, I am privileged to commend and pay tribute to Commander Montgomery.

HOSPITAL ACCREDITATION

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. STARK. Mr. Speaker, Healthcare facilities must comply with certain conditions in order to participate in the Medicare program. The Health Care Financing Administration relies on accrediting organizations to certify that healthcare facilities provide quality services to Medicare beneficiaries. The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) is one such organization. A facility that receives JCAHO accreditation automatically meets the Medicare Conditions of Participation.

I believe that there is a serious conflict of interest between the mission of accrediting agencies and their internal governance. Currently, the majority of members of these governing boards are representatives of the very industries that the agency accredits. While the accrediting agencies are likely to object and claim that the members of their governing boards are beyond reproach, I remain skeptical and wish to establish several basic checks and balances.

Because accrediting agencies have a prominent role in certifying Medicare facilities, I believe that we have a vested interest to ensure that the accrediting process is as rigorous and quality-oriented as possible. Doing so will help ensure that all citizens may expect high-quality, safe, and effective medical treatment at any medical facility they use.

Others share my skepticism. A July 1996 report from the Public Citizen Health Research Group charged that the JCAHO is ''a captive of the industry whose quality of service it purports to measure'' and ''fails to recognize the often conflicting interests of hospitals and the public''.

In my home state of California, 29 JCAHO-approved hospitals had higher-than-expected death rates for heart attack patients. In some cases the rate was as high as 30–40% compared to a state-wide average of approximately 14%. What is particularly troubling is the fact that two of these hospitals received JCAHO's highest rating.

In an analysis of New York hospitals, the non-profit Public Advocate presents strong evidence that hospitals circumvent JCAHO's annual announced survey visits—simply by hiring extra staff to make operations look smoother than they really are. In too many cases, the report finds that JCAHO's accreditation scores mask the truth—some accredited hospitals do not meet basic standards of care. For example, 15 accredited hospitals showed problems ranging from substantial delays in treatment of emergency room patients to outdated and broken equipment to overcrowded, understaffed clinics and unsanitary conditions.

Given the critical role of health care facilities to our society, we must ensure that these facilities and the agencies that certify them are held publicly accountable. For this reason, I am introducing a bill that requires all Medicare-accrediting organizations to hold public meetings and to ensure that half of the governing board consists of members of the public.

The intent of the bill I am introducing today is to ensure the accountability of accrediting boards—to guarantee that the public voice is represented in the organizations responsible for the safety and quality in Medicare's healthcare facilities. With these checks and balances we can assure all patients that they will receive high quality treatment in all Medicare-approved facilities.

This bill has two simple provisions. First it requires that half of the members of an accrediting agency be members of the public who have been approved by the Secretary of Health and Human Services. These individuals are specifically prohibited from having a direct financial interest in the health care organizations that the agency certifies. Second, the legislation would require all meetings of the governing board be open to the public.

Medicare and health care organizations operate in the public trust. Our tax dollars fund all Medicare benefits delivered by health care organizations as well as countless other medical benefits and programs. Therefore, the accreditation and certification of hospitals and other health care organizations must represent the interests of the public.

HUGO AND LAMAR AGRICULTURE FORUMS

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SCHAFFER. Mr. Speaker, last month during the April district work period, I had the opportunity to hear from many of my constituents regarding the economic challenge in agriculture. Specifically, on April 7, 1999, I held two agriculture forums, one in Hugo, Colorado, and one in Lamar, Colorado, to discuss some of the challenges facing agricultural producers. The purpose of these forums was to allow individuals and organizations to provide advice and suggestions about the problems currently facing today's farmers and ranchers. We heard from a number of experts who made presentations and fielded questions at the well-attended events.

For example, at the earlier meeting in Hugo, we heard from Mr. Freeman Lester, President of the Colorado Cattlemen's Association (CCA). He mentioned country-of-origin labeling, packer concentration, the European ban on hormone enhanced beef, estate taxes, wilderness legislation, and reform of the Endangered Species Act as his main areas of interest and concern. At this time, Mr. Speaker, I hereby include the "Colorado Cattlemen's Association Key Issues for the 106th Congress" in the record.

Taxes.—CCA supports the repeal of the death tax and reductions in capital gains taxes. Death taxes are extremely punitive with onerously high rates, and are the leading cause of the breakup of thousands of family-run ranches, farms and businesses. Congress' Joint Economic Committee has concluded that death taxes generate costs to taxpayers, the economy and the environment that far exceed any potential benefits arguably produced.

Country-of-Origin Labeling.—CCA supports efforts to let consumers know the origin of the beef they purchase. Consumer surveys have consistently shown that the majority of consumers support country-of-origin labeling for meat. Imported beef is labeled by country-of-origin, either on the product or on shipping containers, when it enters the U.S. to facilitate inspection. However, these labels are lost during further processing. Country-of-origin labeling will provide a "brand-like" mechanism for the beef industry. Currently most beef is marketed as unbranded generic "beef" regardless of where it is produced. Other countries require U.S. beef to be labeled by country-of-origin. Japan has required all meat imports be labeled by country-of-origin effective July 1, 1997 and Europe will likely require labeling comparable to that required for domestic product, once access to the European market is achieved.

Price Reporting.—CCA supports mandatory price reporting by any U.S. packer controlling more than 5 percent of the live cattle market. CCA also supports price reporting on boxed beef and imports. It is vital to keep the playing field level especially given that four major packers slaughter 80 percent of the fed cattle and market approximately 85 percent of the boxed beef. Openly assessable up-to-date information and market transparency are necessary to keep the highly concentrated processor sector from having insider or privileged information that could give packers a significant advantage over sellers or others in the beef trade. Secretary Glickman has publicly indicated that the U.S. Department of Agriculture (USDA) would welcome authorization to implement mandatory price reporting.

Water Quality.—CCA believes that water quality regulations address site-specific as well as species-specific needs and are based on sound science, taking into account current cattle industry environmental and economic practices that have been successful for generations.

Property Rights.—CCA supports passage of a law to require, at minimum, the federal government to prepare a takings implication assessment (TIA) prior to taking an agency action. Such TIA should: define the point at which a reduction in the value of the affected property, due to a regulation, constitutes a compensable taking; set clear takings guidelines, and provide a mechanism for landowners to avoid lengthy and costly litigation.

Also on hand was Mr. Brad Anderson, Executive Director of the Colorado Livestock Association (CLA). Mr. Anderson expressed his disappointment with the lack of fairness in implementation of the North American Free Trade Agreement (NAFTA). Specifically, he felt our government should do more to expose Canada's subsidies and that we needed to do a better job of opening more markets around the world for Americans agricultural products.

He also mentioned his concern with Amendment 14, a recently passed state ballot initiative, he said would "put hog producers out of business." Amendment 14 sets the air particle ratio, an odor measurement, for hog farms at 2–1, a standard which is virtually impossible to meet. The air particle ratio for industry is 7–1, leading him to believe that agriculture is being unfairly targeted.

Mr. Anderson also mentioned the shortage of workers and the need to eliminate the sales tax on agricultural products, which was recently accomplished at the state level at the end of this year's session of the General Assembly in Colorado.

The panel also included Mr. Greg King of the Lincoln County Farm Service Agency (FSA). Mr. King mentioned his frustration with the Freedom to Farm Act passed by Congress in 1996. He felt it would not work as originally designed, unless our government was willing to open more markets for trade. "We are currently shut out of 108 markets because of embargoes," he said.

In addition, Mr. King also spoke of the need to reform the Endangered Species Act. He specifically mentioned the possibility of devastating impacts to the agricultural industry should the proposed listing of the mountain plover and the black-tailed prairie dog move forward. The irony is that the Natural Resource Conservation Service under (USDA) has worked with farmers and ranchers for years to develop "environmentally friendly" ranching and farming practices. Now, however, the U.S. Fish and Wildlife Service (USFWS) has stepped in and said farmers and ranchers need to manage their land for these species, the mountain plover and the black-tailed prairie dog. if this were to occur, ranchers would be forced to manage at least a portion of their land in a way which could include overgrazing and other practices harmful to the environment.

Mr. Ron Clark, Secretary-Treasurer of the Colorado Association of Wheat Growers, was another member of the panel. Mr. Clark observed wheat prices are very low. Low wheat prices combined with two above average wheat crops in the last two years have caused an extreme hardship for wheat farmers. At this point, Mr. Speaker, I will include for the RECORD Mr. Clark's remarks:

Thank you Congressman Schaffer for the opportunity to provide comments at this Ag. Forum. My name is Ron Clark and I am a wheat producer from Matheson, Colorado, and Secretary-Treasurer of the Colorado Association of Wheat Growers.

Wheat prices are at their lowest level in eight years as a result of two above average U.S. wheat crops and ending stocks of wheat significantly above historic levels. Because of this difficult situation, the National Association of Wheat Growers has developed a 1999 Wheat Action Plan which I would like to highlight for you.

First, let me discuss the domestic part of the plan. We need a safety net. This can be accomplished by the following legislative action: lifting loan caps and reauthorizing '99 market loss payment; advancing year 2000 agricultural marketing transition act payments; and reforming crop insurance to develop affordable alternatives that will protect against crop and revenue losses.

Now, let me discuss the export part of the plan. We recommend the following legislative action to move more U.S. wheat into export markets.

Request that the administration immediately approve Niki Trading Company's request to buy $500 million of U.S. agricultural products for Iran, including two million metric tons (or 73.5 mil. bu.) of wheat.

Seek an end to trade sanctions that currently preclude U.S. wheat from 11 to 15 percent of the world wheat market.

Fund existing export programs to the full extent authorized in the 1996 Farm Bill.

Fund discretionary export programs like PL–480 Title I and the Foreign Market Development Cooperator Program at Fiscal Year 1999 program levels or greater.

Fund the Market Access Program at the Fiscal Year 1999 level.

Fund the Export Enhancement Program at the Farm Bill authorized level of $579 million and strongly urge the Secretary of Agriculture to use it.

Approve trade negotiating authority (or fast track) immediately.

Approve the United States Agricultural Trade Act of 1999 (S. 101), to promote trade in U.S. agricultural commodities, livestock, and value-added products and to prepare for future bilateral and multilateral trade negotiations.

Approve the Food and Medicine Sanctions Relief Act of 1999 (S. 327), to exempt agricultural products, medicines, and medical products from U.S. sanctions.

The Colorado wheat industry sincerely appreciates your leadership and support that you have shown as a member of the House Agriculture Committee. We look forward to hosting the annual wheat tour for you again this year on June 5. I would be happy to answer any questions that you might have. Thank you.

Another member of the panel was Mr. Carl Stogsdill of Lincoln County, representing the Farm Bureau. Mr. Stogsdill spoke of his concerns relating to the Endangered Species Act and its impacts on farmers and ranchers. Following are the Farm Bureau's "Priorities For the 106th Congress:"

Food Quality Protection Act.—Farm Bureau has declared the proper implementation of the Food Quality Protection Act as its top priority. Farm Bureau will work with the Environmental Protection Agency (EPA), land grant universities and local officials to get the act implemented as Congress originally intended.

Budget and Tax Reform.—Farm Bureau will continue to work for the elimination of the ''Death Tax'' and reduction of the capital gains tax. Other issues include: Farmer and Rancher Risk Management accounts, the balanced budget amendment, elimination of the Alternative Minimum Tax for agriculture, income averaging, unemployment tax exemption and Individual Retirement Accounts for farmers.

Environmental Issues.—Farm Bureau will continue to push for private property rights protection and elimination of disincentives in regard to endangered species, clean water, clean air and wetlands.

Trade.—Farm Bureau will be heavily involved in gaining ''Fast Track'' authority for the administration and eliminating existing trade barriers. Also, Farm Bureau hopes to be active in this year's round of the World Trade Organization's discussions.

Regulatory Reform.—Farm Bureau will attempt to pass legislation requiring standardized risk assessments and cost/benefit analysis on all proposed regulations. There will also be a push for a reform of the Department of Labor's H–2A program.

Mr. Mark James of the Lincoln County Stockmen also served on the panel and expressed his concern with aspects of the Endangered Species Act. Mr. James thought it was silly black-tailed prairie dogs would be added to the Endangered Species List. ''Prairie dogs? Get reasonable,'' he said. Mr. James' comments were echoed by many of those in attendance.

Later that evening, at the forum held in Lamar, Mr. John Schweizer, District Representative for the Colorado Farm Bureau, spoke about issues facing farmers in the southeastern portion of the state. Mr. Schweizer cited his hope there would be continued tax relief for farmers such as complete elimination of the ''death tax.'' He was quick to point out, however, that even though times are tough, ''(farmers) are not looking for handouts.'' In fact, he expressed support for the 1996 Farm Bill which was supposed to remove government from the farm. Unfortunately, according to Mr. Schweizer, ''rather than cut the cord, the government tightened the noose.''

Mr. Schweizer also said the Administration and Congress needed to do more to open markets abroad. One way in which this could be accomplished, he felt, would be to fully fund and utilize the Export Enhancement Program. He also questioned the effectiveness of shutting American farmers out of world markets by using political sanctions against other countries.

Chad Hart of the Prowers County Farm Service Agency also offered his perspective. His main concern was the administration of the disaster assistance program which is running way behind. Cuts in funding have adversely impacted their ability to do their job in that the speed of response to emergencies has been greatly reduced. They are forced to do much more with far fewer employees.

Another member of the panel was Mr. Bob Arambel of the Northeast Prowers County Conservation District. He runs a farm northeast of Holly, Colorado, and has had concerns regarding water quality on the lower Arkansas River. Although they have received some money to increase their compliance with water quality statutes, he was concerned reauthorization of the Clean Water Act may have adverse impacts on farming and ranching in the region if standards cannot be met right away. Mr. Arambel also had concerns about the direction of the Endangered Species Act.

Mr. Vernon Sharp, President-elect of the Colorado Cattlemen's Association, mentioned taxes as his issue of greatest importance. He felt estate taxes and capital gains taxes were big problems, that they were punitive in nature and punished people for making good business decisions. He also felt the government should provide some sort of income tax relief in the near future. ''This year I spent $900.00 to have someone do my taxes to find out I have no income,'' he said.

Mr. Sharp went on to say property rights were also a very important issue and the federal government should fully compensate landowners when impeding their ability to use their land as they see fit. He cited the Endangered Species Act as a major threat to farmers and ranchers and their ability to manage their land.

Also on the panel was Mr. Jim Geist, Executive Director of the Colorado Corn Growers Association. At this point, Mr. Speaker, I refer the House to the remarks of Mr. Geist.

On behalf of Colorado's corn farmers, I appreciate the opportunity to express corn's policies and positions on issues that will have direct and indirect effects on the state's corn industry.

Demand for corn grows when our customers are satisfied. To increase demand and customer satisfaction, the United States must become a dependable supplier of commodities. Some of the issues that can assure U.S. corn and its products full access to world trade markets include the following: sanction reform; Fast Track authority; support of IMF funding and trade negotiations, including the specific objective of mutual acceptance of genetically enhanced agricultural products; continued leadership in the World Trade Organization; and Free Trade Area of the Americas negotiations.

Corn producers continue to strive for a fair deal from the government. They are looking for market-driven farm programs, minimal consistent regulations, federal tax policy reform and sufficient financial and credit program so that this country can maintain its food security.

Improving our national transportation infrastructure in order to maintain a competitive advantage is becoming a high priority for grain producers nationwide. Upgrading rivers, locks and dam systems, improving the nation's railroad system and maintaining adequate highway funds for states will enable grain producers to move commodities to domestic and international customers when needed.

We support an active research and education commitment by all segments of the corn industry and government. Research and commercialization of corn products adds to the value of corn. Investing in technological advancements, working with the marketplace, and educating and communicating with consumers about the value of corn in their daily lives will enable our nation to have a stronger rural economy and greater national economic strength.

Leaving our world in better shape than when we found it has been a top priority in agriculture for generations. In using Best Management Practices (BMP) to build soil through conservation programs, BMP implementation to improve water quality, and utilizing the best crop protection practices available, corn producers are truly planting a crop that can help clean up the environment, from both a water and air quality standpoint. The growing concern within agriculture is the small, vocal, hard-line environmental groups trying to impose regulations on production agriculture that are uneconomical, unproven and that could have the effect of driving our nation's food production capabilities off our shores.

Agricultural producers in Colorado are struggling with poor economic conditions in the marketplace due to burdensome supplies—supplies that could be sold in international markets—and environmental regulations that will choke off sustainable food production capabilities. Much has to be done in short order to protect one of our nation's most valuable resources—America's farmers and ranchers.

Again, thank you for the opportunity to express to you just some of the issues and concerns that Colorado corn producers will be focusing on in the near future.

Our last panelist of the evening was Ms. Elena Metro, State Executive Director of the Colorado Pork Producers Council. Her thoughts focused on the state initiative, earlier alluded to, Amendment 14. Ms. Metro's presentation included this statement which I ask to be included in the RECORD:

The Colorado pork industry has been singled out by individuals and groups to be ''controlled'' by harsh rules and regulations. Amendment 14 here in Colorado is the result The Colorado Pork Producers Council on behalf of the pork industry in Colorado asks that if rules and regulations are written and become law, whether on a state or national level, that these rules be based on ''sound science,'' be fair and equitable, and not ''socially engineered.''

Mr. Speaker, I would like to close by thanking all of the participants for their input. Former Speaker of the Colorado House of Representatives, Mr. Carl ''Bev'' Bledsoe moderated the forum in Hugo. Ms. Sparky Turner moderated the forum in Lamar. Both did an outstanding job and helped draw many helpful thoughts and comments from all speakers.

It's obvious after hearing from my constituents that more needs to be done to expand trade with foreign countries. We need to bring some sanity to the Endangered Species Act, and we need to use sound science when making decisions about regulations which will affect a very important segment of our population—the farmer.

REAFFIRM OUR COMMITMENT TO OUR VETERANS

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SWEENEY. Mr. Speaker, I rise today in strong support of H.R. 1401, the bill to authorize our all-important national defense programs and in support of the en bloc amendment which includes language that addresses a crisis in our veterans community.

Throughout their lives, the men and women of our armed services make great sacrifices in the service of our country. Yet, many families requesting honor guards at the burials of veterans are being told "NO"—that we do not have the resources to honor those who have served so nobly. As Americans, the very least we can do is make sure that our veterans are given a proper burial when they die.

My amendment strengthens the current language in the bill by requiring, not just permitting, the Secretary of Defense to provide necessary materials, equipment, and training to support non-governmental organizations—namely our VFW, Disabled American Veterans, American Legion, and other veterans groups—in providing honor guard services.

Mr. Speaker, the newest of our National Cemeteries, Saratoga National Cemetery, will be opening in the heart of my district this July and will conduct funerals every thirty minutes for the next several years. Our active duty and reserve servicemen and women cannot keep up. Mr. Speaker—this is unacceptable!

Everyone who served in the armed forces gave something. Some who served gave everything. And we have a responsibility to give back!

Our veterans are eager to fill this void on a volunteer basis, but they do not possess the resources to do so. The committee bill will give private individuals the tools necessary to provide honor guard services, thereby reducing the demand on active duty servicemen or reservists.

I urge my colleagues to support this bill, and reaffirm our commitment to our veterans.

IN HONOR OF DR. DAVID KIRCHER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KUCINICH. Mr. Speaker, I am honored to rise today in tribute to Dr. David Kircher, Superintendent of Fairview Park Schools in Rocky River, Ohio. As he celebrates his retirement, I ask all of my colleagues to join with me in saluting his outstanding service and leadership in the Fairview Park Schools.

Dr. Kircher has dedicated a substantial portion of his life to the betterment of the Fairview Park Schools. For the past 30 years, Dr. Kircher has served as an important figure for the Fairview Park School district. He has held several positions throughout his tenure, but none as important as Superintendent of Fairview Park Schools, a position from which he will be retiring as of August 1, 1999.

As the fifth superintendent in the history of the Fairview Park Schools, Dr. Kircher worked his way up from an Earth Space Science teacher to Superintendent in 1996. Throughout his career he has been recognized for his hard work and dedication in the Fairview Park Schools. Many students and staff members are not only inspired by his motivation and hard work, but also appreciate the fact that he has helped create excellent schools. That is why in 1998 he was nominated for the National Superintendent of the year. The following year he received a resolution from the city of Fairview Park recognizing his 30 years of dedicated service to the Fairview Park Schools.

Education has always been Dr. Kircher first priority. He earned a Ph.D. in educational administration at Kent State University. His wisdom and educational background helped him become one of the most influential superintendents in Fairview Park Schools.

Although his work puts extraordinary demands on his time, Dr. David Kircher has never limited the time he gives to his most important interest, his family, especially his lovely wife, Maryann.

I ask that and my distinguished colleagues join me in commending Dr. David Kircher for his lifetime dedication, service, and leadership in Fairview Park Schools. His large circle of family and friends can be proud of the significant contribution he has made. Our community has certainly been rewarded by the true service and uncompromising dedication displayed by Dr. David Kircher.

INTRODUCTION OF LEGISLATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. CRANE. Mr. Speaker, today I am introducing three bills which reflect my long-time interest in helping the economy and the people of Puerto Rico. Rather than spending taxpayer money on government programs, these bills will provide tax incentives for the private sector to help the economy of Puerto Rico.

In 1996, Congress phased out Section 936 over my objections. As a result, the economic incentives for U.S. companies to do business in Puerto Rico have dwindled, negatively impacting the economy. In an effort to reverse that trend, the Government of Puerto Rico reduced their tax burden by 19 percent in recent years. However, they need more help. We in Congress can play an important role in that effort by putting in place long-term tax incentives to spur private sector growth on the Island.

The first bill, the Puerto Rico Economic Activity Credit Improvement Act of 1999, will modify and extend the existing economic credit, which is due to expire at the end of 2005. My bill will build upon the replacement for Section 936, Section 30A, by extending the wage tax credit until the economy in Puerto Rico meets certain economic objectives designed to bring the Island up to a level more on par with the mainland. The credit will also be available to new companies locating in Puerto Rico. Companies already in Puerto Rico and utilizing the existing income credit will be given a one-time option to switch over to the wage credit before the termination date of the income credit.

The second bill will make the research and development (R&D) tax credit available to companies operating in Puerto Rico. The R&D credit has never been accessible in Puerto Rico, but, until the demise of Section 936, the lack of an R&D credit was of little tax consequence to companies operating on the Island. My bill will provide this small, but important, tax credit for Puerto Rico and the other U.S. possessions as a matter of fairness.

The third bill will repeal the limitation of the rum tax cover over. Under current law, a tax is collected on rum entering the U.S. mainland from Puerto Rico and the U.S. Virgin Islands. A portion of this tax is returned (covered over) to the governments of Puerto Rico and the Virgin Islands. Because of a dispute in 1984, the cover over was limited to $10.50 of the total $13.50 per gallon tax. My bill will restore the cover over to the full amount. In particular, the government of the Virgin Islands desperately needs the revenue from the full cover over as they are currently in critical economic straits.

In addition to restoring the cover over, this bill will also provide funding for the Conservation Trust Fund of Puerto Rico. The Fund has been very successful in preserving the natural resources of the Island for the people of Puerto Rico. In conjunction with the Governor of Puerto Rico and the U.S. Department of the Interior, we developed a plan to direct 50 cents of the per gallon rum tax to the Trust Fund for 5 years. This funding would allow the Trust to finish building their endowment in order to fund their operations in perpetuity.

I want to thank my colleagues who have lent their support in different ways to these proposals: CHARLIE RANGEL, CARLOS ROMERO-BARCELÓ, JERRY WELLER, DONNA CHRISTENSEN, NANCY JOHNSON, PHIL ENGLISH, J.D. HAYWORTH and MARK FOLEY. I urge the rest of my colleagues to support us in these efforts.

HONORING TOLEDO METAL SPINNING COMPANY

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Ms. KAPTUR. Mr. Speaker, I rise today to congratulate Toledo Metal Spinning Company (TMS), a business in my district recently honored as one of only six recipients of the Blue Chip Enterprise Initiative Award. This award, given to companies who have overcome both internal and external struggles throughout their organization, was extended to TMS in recognition of their exceptional ability to cope and rebuild virtually their entire business after a fire ravaged their operation.

TMS Vice Presidents Eric and Craig Frankhauser are to be commended for their efforts to restore their corporation. After a disastrous fire that destroyed much of the plant in February 1998, the two brothers worked tirelessly to fulfill customer orders and remain in production mode. Remarkably, five days after the fire, the company was back online and serving its customers with the same level of professionalism and courtesy as before the tragedy. Clients turn to TMS for a wide range of products including parts for missiles, passenger jets, and military aircraft, as well as stainless steel, cone-shaped hoppers used for countless purposes from releasing fruit into yogurt to processing pills.

As the Frankhausers rebuilt their facility their innovation and ingenuity led the way. Forced to rebuild not only their physical building but also their business structure, the

Frankhausers revamped their entire production operation. They redesigned the company's production system, stressing flexibility of machinery and workers. The two owners realized both the importance of giving their employees more responsibility and the success that results as workers interact with each other.

Despite the terrible fire, their improved operation successfully kept sales at 83 percent of 1997 levels. The Frankhausers and all of those employed at TMS have created a family business by which all companies should follow. TMS will be paid a tribute this week as it receives the Blue Chip Enterprise Initiative Award, which is co-sponsored in part by the U.S. Chamber of Commerce.

On behalf of the citizens of Ohio's Ninth Congressional District, I rise to congratulate TMS, the Frankhausers, and the many employees for their outstanding success and innovation as they stood in the face of disaster. The TMS example is certainly a business model to be followed as we enter the next millennium.

PERSONAL EXPLANATION

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. McHUGH. Mr. Speaker, I respectfully request the RECORD reflect that an error occurred with regard to my vote on Mr. GOSS's amendment which prohibits DOD funding to maintain a permanent U.S. military presence in Haiti beyond December 31, 1999. On June 9, I was recorded as voting ''nay'' on rollcall No. 183 when in fact I voted ''aye'' on the amendment.

COMMEMORATING THE BICENTENNIAL OF CAYUGA COUNTY

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. WALSH. Mr. Speaker, today I ask my colleagues to join me in recognizing the 200th Anniversary of Cayuga County, located in my home district in upstate New York. It has a proud and distinguished history.

Cayuga County was established by the State Legislature as the 28th designated county in New York State. Many of the first settlers were veterans of the Revolutionary War, such as Colonel John Hardenbergh, whose settlement grew to become the City of Auburn. Auburn eventually became the largest community in the State west of Utica in the early years, as it served as a junction of the major turnpikes traveled by the westward settlers.

Many prominent political and historical figures who helped to shape our nation were citizens of Cayuga County, including Millard Fillmore, the 13th President of the United States; William H. Seward, the Governor of New York State from 1838–1842, a United States Senator from 1849–1861, and the Secretary of State for Presidents Lincoln and Johnson; Enos Throop, who served as a representative in Congress from 1814–1816, the Lieutenant Governor, and later as Governor of New York State; John Tabor, the last Republican full Appropriations Committee Chairman from New York State from 1952–54, and abolitionist Harriet Tubman. Additionally, inventions that have invaluably contributed to our way of life and which stem from Cayuga County include harvesters, carriage axles, threshing machines, adding machines, and motion picture sound.

Today, Auburn is the industrial center of Cayuga County with the production of shoes, carpets, rope, railroad locomotives, air conditioners, and electronic components. Cayuga County has three state parks, encourages higher education through Wells College and Cayuga County Community College, and is home to the Cayuga Museum of History and Art and the Schweinfurth Art Center.

The Cayuga County Legislature recently held its May monthly meeting at Wells College in Aurora, the city where the county's first government meeting took place on May 28, 1799. A Harriet Tubman pilgrimage and a Red Cross barbecue were held during the Memorial Day weekend to commemorate the bicentennial, and upcoming anniversary events this summer include the Southern Cayuga Garden Club Tour, The Wall that Heals Vietnam Memorial at Emerson Park, and a Civil War sampler at the Morgan Opera House.

In the words of the county legislature, Cayuga County's quiescent, yet noble history, its diversified resources and its scenic beauty reveal that the region remains as impressive and promising today as it undoubtedly appeared to the entrepreneurial settlers 200 years ago.

It is my distinct honor to represent the descendants and subsequent residents of this outstanding community.

IN HONOR OF THE NINTH ANNIVERSARY OF CROATIAN STATEHOOD DAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KUCINICH. Mr. Speaker, today I rise, as a Croatian-American, to join my fellow brothers and sisters in honor of the ninth anniversary of Croatian Statehood Day.

Nine years ago Croatia took a monumental step towards democracy and independence, fulfilling the life-long dream of many, by declaring statehood. With the fall of the Berlin Wall, Communism's grip over Eastern Europe began to crumble, and by the late 1980's democratic movements developed in many countries. In Croatia, a progressive movement was started with the goal to form an alternative to the Communist Party which had been in power since 1945.

In April of 1990 elections were held in which the Communist Party was defeated in a landslide, and representatives from many new political parties were elected to the Parliament. The first meeting of this new democratically elected Parliament was on May 30, 1990. This occasion is a reason for Croatians all over the world to celebrate their country's historic movement towards independence and democracy.

I ask my fellow colleagues to join me, and my Croatian brothers and sisters, in celebrating Croatia's Statehood and congratulating them on nine years of independence.

A TRIBUTE TO THE LATE DR. STANLEY WISSMAN

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SOUDER. Mr. Speaker, many members of the community in my district were saddened at the recent untimely death of Dr. Stanley Wissman of Fort Wayne.

Dr. Wissman made many valuable contributions to the Northeast Indiana medical community and was particularly known for his kindness to his patients and their families. I would like to extend my condolences to his family and to include in the RECORD a recent editorial from the Fort Wayne Journal Gazette discussing his life and work.

[The Journal Gazette, Thursday, May 27, 1999]

WISSMAN SET EXAMPLES BOTH UNIQUE AND UNIVERSAL

Death—especially unexpected death—has a perverse ability to highlight a life, to bring its finest qualities to the surface and leave them shining in the memories of friends and loved ones.

In so doing, it honors those traits in us all.

Stanley Wissman's sudden death is having that affect at Parkview Hospital this week. The beloved neurologist and patient champion was only 52 when he died Monday, and the shock is still rippling across the hospital and the regional medical community.

In a time of national anguish about values and character, Wissman demonstrated why people still have hope for our cantankerous species.

The resume is only part of the story. Yes, Wissman was an avid medical researcher. Yes, he was a visionary administrator for the hospital's rehabilitation unit. And, yes, he was an enthusiastic educator; he and his wife, Mary Ann, worked together on a program called ''Brain Attack'' to teach medical workers and the public that damage from strokes can be reduced by quick response.

But it is Stanley Wissman's easy approachability—his warm humaneness—that his colleagues recall so sadly.

Rebutting all the stereotypes of aloof and busy physicians in the era of managed care, he is remembered as a gentleman who found time to really listen to patients—as well as to co-workers on any step of the hospital hierarchy.

Being brilliant and accomplished and acclaimed are all quite wonderful—and rare. In the end, however, anyone can be like Stanley Wissman. All it takes is a little kindness.

Stanley D. Wissman, M.D., 52, died Monday at Parkview Hospital. Born in Fort Wayne, he was a doctor with Fort Wayne Neurological Center since 1976. He was also a medical director of the rehabilitation unit and chairman of the neurology subcommittee at Parkview Hospital and associate clinical professor of Neurology at Indiana University

School of Medicine in Indianapolis. Surviving are his wife, Mary Ann; two daughters, Jennifer Rosenkranz of Reno, Nev., and Alicia Jordan of Nashville, Tenn.; a son, Stephen of Nashville; a stepdaughter, Andrea Tone of Fort Wayne; a stepson, Alex Tone of Fort Wayne; his mother, Ruth L. Wissman of Fort Wayne; two brothers, William W. of Indianapolis and Gary L. of Fort Wayne; a sister, Karen Lewis of Fort Wayne; and a grandchild. Services at 11:30 a.m. Thursday at St. Charles Borromeo Catholic Church, 4916 Trier Road, with calling an hour before services. Calling also from 2 to 8 p.m. Wednesday at D.O. McComb & sons Maplewood Park Funeral Home, 4017 Maplecrest Road. Burial in Catholic Cemetery. Memorials to Bishop Dwenger High School Tuition Assistance or Ryan Kanning Muscular Dystrophy Fund.

THE INTRODUCTION OF THE ESOP PROMOTION ACT OF 1999

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. BALLENGER. Mr. Speaker, I come before the House today to introduce legislation to promote more employee ownership in America. I believe this is a modest proposal which can be deemed technical and clarifying in many respects. Entitled the ''ESOP Promotion Act of 1999,'' this bill builds on legislation I introduced in the 102nd, 103rd, 104th and 105th Congresses with bipartisan support. Nearly 100 sitting members of this House have cosponsored this legislation over the years and, if former members are included, the number is over 200.

Mr. Speaker, let me point out that the last Congress aided the creation of employee ownership through Employee Stock Ownership Plans (or ESOPs) by enabling a Subchapter S corporation to sponsor an ESOP. This provision was added to the Balanced Budget Act of 1997 (Public Law 105–34) by Senator JOHN BREAUX in the Senate Finance Committee and has been part of my ESOP bills since 1990. The effort to have these small businesses offer employee ownership to their employees started in 1987. Many private sector groups, representing both professionals and businesses, have supported permitting Subchapter S corporations to sponsor ESOP's. I am grateful to my colleagues for their support of this important change in the code.

I encourage my colleagues in the 106th Congress to stand up for employee ownership and enhance the positive record for one of the most encouraging economic trends in America today—ownership by employees of stock in the companies where they work through an ESOP. As many of my colleagues know, I came to Congress first and foremost with a small business background, having created an ESOP plan for the company I founded over 40 years ago. The ESOP provides a method for current owners of stock to sell, at fair market value, their stock to a trust that holds the stock for eventual distribution to employees upon their death, disability or retirement. I believe the employee ownership which we promoted at my company will continue to be a valuable retirement asset for our employees and their families for years to come.

I believe that employee ownership, properly managed, creates a win-win situation for all involved. America and our economic system benefit as we increase competitiveness through employee ownership and provide more opportunity for ownership for those who, frankly, would not have much of a chance to acquire stock ownership otherwise. Since 1989, the House has shown strong support for ESOP's, and I think it is important to confirm this support in the 106th Congress.

Allow me to explain each section of my bill:

Section 1: Names the bill ''The ESOP Promotion Act of 1999.''

Section 2: Current law permits a corporate deduction for dividends paid on ESOP stock that are passed through to the employees in cash or used to pay the ESOP stock acquisition debt [Internal Revenue Code Section 404(k)]. Section 2 would amend Section 404(k) to permit the deduction if the employees participating in the ESOP are allowed, as their choice, to have the dividend reinvested in more employer stock. In fact, current ESOP and 401(k) sponsors can nearly accomplish the same result under current law with a convoluted system that requires an IRS letter ruling.

Why is this simplification? Because under very complex chain of events which the IRS has approved in a series of letter rulings, the employee can have ''constructive receipt'' of the cash dividend, and then ''constructively'' take the dividend money back to the payroll office and reinvest it. Since the employee has received the dividend in cash, the deduction is allowed, although in reality it was reinvested. This legislation says cut to the chase. Where the employee has made clear a desire for the dividends to be reinvested, why have an expensive, confusing system that the IRS has to review after the ESOP sponsor spends dollars on designing the new system? The ESOP sponsor can put these resources to more productive use, and the employees can put their dividends to use in further bolstering their retirement savings with this change.

Section 3: From 1984 until 1989, an estate with share of certain closely-held corporation could transfer stock in the corporation to the corporation's ESOP, and the ESOP would assume the estate tax liability on the value of the transferred stock [former Internal Revenue Code Section 2210]. Unfortunately, the Tax Act of 1989 repealed this law which was an effective way to create more employee ownership. The proposed legislation would restore this incentive for stock to be transferred to an ESOP. No estate tax is being avoided here, it is just shifted from the estate to an American, closely-held corporation that has employee ownership through an ESOP.

Section 4: This section would current what I believe is an anomaly in the current law. Internal Revenue Code Section 1042 provides that if a seller of closely-held stock reinvests his/her proceeds from the sale in the equities of a U.S. operating corporation, the gain on the sale to the ESOP is deferred until the replacement property is disposed of, if and only if the ESOP holds at least 30% of the outstanding shares of the corporation when the sale of stock to the ESOP is completed. This provision of current law plays a major role in the creation of over 50% of the ESOP companies in America. Current law benefits owner-founders, and outside investors of closely-held companies, but it does not permit holders of stock in a closely-held corporation who acquired the stock as a condition of employment, from a plan other than an ERISA plan, to sell that stock to an ESOP and receive a deferral of the tax on the gain. Section 4 would end the different treatment for shares acquired from a compensation arrangement as a condition of employment compared to stock acquired otherwise.

Section 4 would expand the list of permissible reinvestment to U.S. mutual funds that represent U.S. operating corporation securities. This change would apply to an owner-founder or outside investor, as well as an individual who acquired the stock as a condition of employment.

Section 4 also would correct another technical anomaly in current law. As presently written, Section 1042 provides that any holder of 25% or more of any class of stock in a company cannot participate in an ESOP established with stock acquired in a Section 1042 transaction. My bill would change the measure so that the 25% would be measured by the voting power of the stock, or the value of the stock in terms of total corporate value. This kind of measure is used in other sections of the code.

Section 5: Amends the Internal Revenue Code of 1986 to permit limited distributions from ESOPs, without incurring a 10-percent penalty on early withdrawals, for high education expenses and first-time home purchases. The limitations relate to how much can be distributed and a requirement that the person have at least five years of participation before making the request for the distribution. The early withdrawal provision would be discretionary with the plan sponsor.

I urge those of my colleagues who want to encourage employee ownership in America to join me by cosponsoring the ''ESOP Promotion Act of 1999'' and working hard to include these provisions in the tax bill that will soon be considered by the House Ways and Means Committee.

TRIBUTE TO JAMES HARRISON

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to a fine young man who resided in the 1st Congressional District of Arkansas and was taken from this world last week, James Harrison from Paragould. A bass-baritone, James was a singer at Ouachita Baptist University, and was returning on Flight 1420 from a choir tour in Germany and Austria.

Although James was only 21, he certainly lived a wonderful life. He was a responsible, trustworthy person. His love and concern for others very likely could have cost him his life.

Along with his contributions to the Ouachita Singers, James was the music minister at First Baptist Church of Royal. His friends say he could look at any piece music and sing it. He played the guitar and saxophone and was in

charge of setting up before concerts at Ouachita. "Arv" as he was called, for his middle name Arvin, was a patient, level-headed young man who devoted his life to Christ.

I ask that all Americans join us as we pray for the families and friends of the passengers and crew members who perished in the crash, that they might gain some measure of solace and understanding about their profound and very public loss.

IN HONOR OF KEVIN SHANAHAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor Kevin Shanahan, one of the founders of Irish Dancing in the Cleveland area.

Kevin Shanahan came to the Cleveland area from his home in Dublin, Ireland in 1953. The thriving Irish community in Cleveland welcomed his expertise in Irish Dancing. And because of Shanahan's efforts, Irish Dancing has transformed over the years into a popular and creative expression of Irish culture.

Under the auspices of the West Side Irish America Club, Mr. Shanahan organized the first Cleveland Feis in 1957. Through his beginning efforts and the Club's hard work, the Cleveland Feis has become a premier Irish event. Even today, it is a festival to which everyone in the Irish community looks forward each year.

While Mr. Shanahan has returned to Dublin, to live in the house where he was born, his legacy lives on in the Cleveland area. The students he taught during his time in Cleveland continue to carry on the Irish Dance traditions they learned from the master.

My fellow colleagues, please join me in honoring a man who has kept traditional Irish Dancing alive in the Cleveland area, Mr. Kevin Shanahan.

THANKS AND CONGRATULATIONS TO THE 143RD INFANTRY REGIMENT

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. EDWARDS. Mr. Speaker, I rise today to congratulate the outstanding members of the 143rd Infantry Regiment and to recognize the proud tradition of that body upon their annual Regimental reunion. I would especially like to recognize the war veterans of the regiment, including one who has been with the group since World War I.

This unique regiment has a strong and deep connection with the Waco community, which is in my Texas Congressional District. Throughout its long history, it has been made up primarily of Central Texans. The Regiment began as a Militia Company in 1873 and has seen many different designations and missions throughout its history. These have included service in the Spanish American War, World War I, and World War II. In World War II the 143rd distinguished itself as a truly outstanding military unit by becoming one of the first American detachments to land in Europe and then later one of the first to enter Rome.

After World War II, the Regiment helped Waco recover from a devastating tornado, working around the clock in rescue and patrol operations. In the 1960's the Regiment was reorganized into an Airborne Unit and exists today as an active National Guard unit.

The superb all volunteer paratroopers of the unit are among America's best, and today they continue the proud tradition of the 143rd Infantry.

I ask Members to join me and offer our heartfelt thanks and congratulations to an outstanding American Regiment—the 143rd Infantry.

TRIBUTE TO PRESLEY SAM, KENNETH TAKEUCHI, BARBARA TANIGUCHI, IZUMI TANIGUCHI, CAMILLE WING, GERYOUNG YANG

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Presley Sam, Kenneth Takeuchi, Barbara Taniguchi, Izumi Taniguchi, Camille Wing and Geryoung Yang, for being selected the 1999 Portraits of Success program Honorees by KSEE 24 and Companies that Care. In celebration of Asian-American Heritage Month for May, these six leaders were honored for their unique contributions to the betterment of their community.

Presley Sam, a refugee from Cambodia, came to Fresno knowing no one. Through the offices of the Lao Family of Fresno, he became a Community worker and was later hired by the Police Department in Elkhorn Juvenile Boot Camp Facility. Presley serves as an executive member of the Board of Directors for the Cambodian Buddhist Society of Fresno.

Kenneth Takeuchi worked for 32 years for the Fresno County Parks Department. He is a member of the San Joaquin River Parkway Trust, the Shinzen Garden Committee and the Fresno Buddist Church. Mr. Takeuchi is a marathon and ultra-marathon runner and race organizer. Over the past 16 years, he has directed runs for many fund raisers for organizations such as United Cerebral Palsy, the American Heart Association and Special Olympics.

Barbara Taniguchi has been a member of the Japanese American Citizens League since 1955. Very involved in her community, Barbara has served on the Fresno Unified School District Desegregation Task Force, the Central California Nikkei Foundation and on several library boards.

Izumi Taniguchi, Professor Emeritus of Economics at California State University Fresno since 1993, has been a board member of the Central California Nikkei Foundation since its inception. He has held many offices in the Japanese American Citizens League at the local, state and national levels and is active in numerous other community organizations.

Camille Wing has served on the Board of Hanford's Taoist Temple Preservation Society since 1979 and has become a valuable resource on the history of early Chinese immigrants in Hanford. She is also active in serving Kings County Library, the Hanford Visitors Agency and community recycling efforts.

Geryound Yang maintains a successful Fresno dental practice. He established a California State University, Fresno Hmong Student Association and has been active in the Sky Watch Project. Mr. Yang's goal is to be a mentor and role model for Hmong young people.

Mr. Speaker, it is with great honor that I pay tribute to the KSEE 24 Companies that Care 1999 Asian American Portraits of Success honorees. I ask my colleagues to join me in wishing these honorees many more years of success.

TRIBUTE TO GARY GLOVER

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. BERRY. Mr. Speaker, I rise today to honor a great Arkansan, a man who served his community as a minister of youth and music, and who was a devoted father and husband, Mr. Gary Glover.

Mr. Glover spent much of his life as a dedicated church member, sharing his faith and conviction in God with others. He received his ministry license in 1988 after attending Southwestern Baptist Theological Seminary in Fort Worth, Texas, and served Levy Baptist Church in North Little Rock at this time. Before settling in Arkansas, Mr. Glover served as director of housing and Christian training at Happy Hill Farm Academy and Home in Granbury, Texas. Here he supervised Southwestern Baptist Theological Seminary students. After Mr. Glover came to Arkansas he served as youth minister at Sylvan Hills First Baptist Church in North Little Rock.

Clearly, Mr. Glover was a caring and giving man. Even after his passing, Mr. Glover continues to give through the donation of his organs. His family, including his wife, Becky, and his three sons, Drew, Daniel, and D.J., decided Mr. Glover would have wanted to continue helping others and felt this donation is something he would have wanted.

Gary Glover was a man of great influence and inspiration for many. He was a strong voice for the Christian community in Arkansas and elsewhere. May we attempt to live our lives as generously as he.

HONORING TAIWAN'S ASSISTANCE TO KOSOVO

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. ACKERMAN. Mr. Speaker, I am happy to learn that NATO and Yugoslavia have reached an agreement and the Kosovars can

finally return to their homeland. Yet there is more good news on the way. Dr. Lee Teng-hui, President of the Republic of China on Taiwan just announced that Taiwan will provide the Kosovar refugees with $300 million in aid. This aid includes food and medical care that are urgently required, as well as job training and rehabilitation programs to promote the reconstruction of Kosovo in the long run. we welcome such generosity from the Republic of china, and applaud its contribution to peace and stability in the international community.

Under the dynamic leadership of President Lee Teng-hui, the Republic of China has become a prosperous, full-fledged democracy, and it has demonstrated on numerous occasions its willingness to help the needy. Mr. Speaker, I would like to ask my colleagues to join me in expressing our appreciation to President Lee and the people of the Republic of China for their generosity to the Kosovar refugees and contributions to the international community.

HONORING JOSE ORLANDO MEJIA, MD

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in honor of Jose Orlando Mejia, the Chief of Pulmonary and Critical Care Medicine and the Director of the Medical Intensive Care Unit at Woodhull Medical and Mental Health Center, and Assistant Professor in the Department of Medicine at the State University of New York Health Science Center at Brooklyn.

Board certified in three specialities—Internal Medicine, Pulmonary Medicine, and Critical Care Medicine—Dr. Mejia is an expert in asthma, emphysema, smoking-related illness, and diseases of the lungs, respiratory system and heart.

Graduated from the Autonomous University of Santo Domingo School of Medicine in the Dominican Republic, he has received advanced training through a Pulmonary Medicine Fellowship at the Long Island College Hospital, and a Critical Care Medicine Fellowship at the Albert Einstein College of Medicine Montefiore Hospital.

For nearly twenty years, Dr. Mejia has dedicated his work to caring for the people of our communities. He has taken a holistic approach to care-giving—not only working to heal the patient, but care for the community as well. He is a keen diagnostician and excellent communicator—speaking to patients in both English and Spanish. As such, he can provide a unique type of care—providing a level of comfort and support emotionally while healing people physically.

Dr. Mejia's special interest in asthma is particularly important to the communities I represent in New York's 12th Congressional District, where air pollution is an enormous problem. Due to the traffic and waste-transfer sites that are located throughout Brooklyn, asthma and other respiratory problems are particularly high—especially among children. Dr. Mejia's work addresses these problems in a direct and critical way.

Many times people who make valuable contributions to our communities go unrecognized. I would like to urge my colleagues to join me in congratulating Dr. Mejia for the work he has done, the people he has helped, and the strength he has given to our communities. Because of his work the 12th Congressional District is a better place, and I thank him and wish him continued success.

TRIBUTE TO BEVERLY GARLAND

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. BERMAN. Mr. Speaker, I rise to pay tribute to Beverly Garland, who is being honored as 1999 NoHo Citizen of the Year at the 7th Annual NoHo Theatre & Arts Festival. Through the years Ms. Garland has played an invaluable role in helping NoHo emerge as a thriving center of music, dance and theater in what had been a declining section of North Hollywood. As a successful businesswoman and actress, Ms. Garland is the perfect representative for NoHo. The Festival could not have made a more appropriate choice for its citizen of the year.

Much of the world knows Beverly Garland for her role as Fred MacMurray's wife in the long-running television series "My Three Sons," and as Kate Jackson's mother in "The Scarecrow and Mrs. King." That was then. Today she continues to lead a very busy life as a television actress. Her recent movies for TV include "Finding the Way Home" with George C. Scott and "The World's Oldest Living Bridesmaid," with Donna Mills. She has also appeared as a guest star on "Friends," "Ellen" and "Diagnosis Murder," and recently became "engaged" to Grandpa Charles on the popular weekly series "7th Heaven.

With more than 200 television and film roles to her credit, it comes as no surprise that Ms. Garland has received a star in her name on the famous Hollywood Walk of Fame.

Those of us who live in the east San Fernando Valley also know Ms. Garland for her business skills and civic involvement. She and her family own and operate Beverly Garland's Holiday Inn on Vineland Avenue in North Hollywood, a 258-room hotel that recently teamed with Holiday Inn Worldwide. The hotel is not only popular with visitors to the area, but is a central location for community meetings, chamber of commerce events and other important local activities.

Ms. Garland has not at all been hesitant to use her skills as a public speaker to promote the area. She holds the position of Honorary Mayor of North Hollywood and lends her presence at many public functions. She has also served on the California Tourism Corporation Board of Directors and is a member of the Greater Los Angeles Visitors and Convention Bureau.

I ask my colleagues to join me in saluting Beverly Garland, whose devotion to her community, commitment to the arts and dedication to her craft are an inspiration to us all. She has contributed greatly to the rise of NoHo and its emergence as one of the "hot spots" of Los Angeles.

RECOGNIZING ROBERT TAYLOR AND THE FRESNO CHAPTER OF THE MONTEREY BAY JAGUARS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Robert Taylor, coach of the Fresno chapter of the Monterey Bay Jaguars, for his outstanding achievements and dedication to the youth of his community. The Monterey Bay Jaguars is a track and field club for children ages six and up.

Taylor, a Fresno parole officer, devotes his time twice a week, between February and July, to his "star athletes." He started with about 15 athletes from Bethune Elementary school in Fresno, where he was a tutor. The chapter now has more than 40 athletes from Fresno County. Taylor recruited co-workers and parents to help him run the growing program. Despite what some may think, this is not an "inner-city" group of kids. "We have a mixture," Taylor says. "Most of these kids are on the honor roll. Some of those kids down there have some money. But I don't want it to be like they're the rich kids. These kids are talented."

Indeed they are. Most of Taylor's kids had not participated until this year, but have won a combined 700 awards at the state and national levels since February. Taylor's secret to this success is a regimen of discipline and mental stability. Taylor designed a program that teaches the children the fundamental aspects of the sport and puts them through a college level workout twice per week. Taylor says he believes all of his athletes can compete in college and beyond and boasts about their speed. "I've got a gold mine here," Taylor says. "They're the all-star team."

Mr. Speaker, I rise, with great pleasure, to recognize Robert Taylor and his team of "all-stars." It is evident by the dedication of both coaches and athletes that there is a mutual respect, and genuine concern for the positive development of the community. I urge my colleagues to join me in recognizing the Fresno chapter of the Monterey Bay Jaguars for many more years of continued success.

INCREASING THE MINIMUM WAGE DECREASES OPPORTUNITIES FOR OUR NATION'S YOUTH

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. PAUL. Mr. Speaker, I highly recommend Bruce Bartlett's "Minimum Wage Hikes Help Politicians, Not the Poor", which recently appeared in The Wall Street Journal, to all of my colleagues. Mr. Bartlett's article provides an excellent overview of the evidence that an increase in the federally-mandated minimum wage reduces teenage employment. Since those shut out of entry-level work are unlikely to obtain higher-paying jobs in the future, an

increase in the minimum wage reduces employment opportunities for millions of Americans. This point was also highlighted by Federal Reserve Chairman Alan Greenspan in testimony before the Senate in January when he pointed out that "All the evidence that I've seen suggests that the people who are the most needy of getting on the lower rungs of the ladder of our income scales, develop skills, getting the training, are unable to earn the minimum wage. As a consequence, they cannot get started. And I think we have to be very careful about thinking that we can somehow raise standards of living by mandating an increase in the minimum wage rate." I hope all of my colleagues will carefully consider how increasing the minimum wage decreases opportunities for our nation's youth and refrain from reducing economic opportunity for those at the bottom of the economic ladder by raising the minimum wage.

Bruce Bartlett is senior fellow at the NCPA. He was Deputy Assistant Secretary for Economic Policy in the Treasury Department from 1988 to 1993, and Senior Policy Analyst at the White House from 1987 to 1988. He is an expert commentator on taxes and economic policy, the author of two books and, a syndicated columnist. His articles have appeared in many papers including The Wall Street Journal and The New York Times. He regularly appears on national television and radio programs.

MINIMUM WAGE HIKES HELP POLITICIANS, NOT THE POOR

(By Bruce Bartlett)

It now appears likely that the Republican Congress will soon raise the minimum wage for the second time in three years. In 1996 the minimum increased to the present $5.15 an hour from $4.25; the increase now being considered would bring the figure up to $6.15 by 2002. This is bad news, for as many as 436,000 jobs may disappear as a result of the increase.

During the last debate, two arguments were advanced in favor of raising the minimum wage. The first claimed that the minimum wage had fallen sharply in real (inflation-adjusted) terms since the previous increase in 1991. But with inflation having all but vanished in the 19 months since the last increase, this argument does not hold true today.

The second argument, based almost exclusively on a 1995 study by economists David Card and Alan Krueger, was that raising the minimum wage actually reduced unemployment. Since then, however, virtually every study done on the subject has confirmed longstanding research showing that raising the minimum wage invariably has a negative impact on employment, particularly among teenagers and minorities.

The federal minimum wage was first enacted in 1938, but applied only to the small minority of workers who were engaged in interstate commerce. The first data we have on teenage unemployment are from 1948. From then until a significant expansion of the minimum wage in 1956, teenage unemployment was quite low by today's standards and was actually lower for blacks than whites. Between 1948 and 1955 unemployment averaged 11.3% for black teenage males and 11.6% for whites.

Beginning in 1956, when the minimum wage rose from 75 cents to $1, unemployment rates between the two groups began to diverge. By 1960, the unemployment rate for black teenage males was up to 22.7%, while the white rate stood at 14.6%.

Despite such evidence, supporters continued to push for ever higher and more inclusive minimum-wage rates, which were raised almost yearly between 1961 and 1981. At each point the unemployment rate for black teenagers tended to ratchet higher. By 1981, the unemployment rate for black teenage males averaged 40.7%—four times its early 1950s level, when the minimum wage was much lower and its coverage less extensive. That year, the federally-mandated Minimum Wage Study Commission concluded that each 10% rise in the minimum wage reduces teenage employment by between 1% and 3%.

Subsequent research, based on the effects of the previous two minimum-wage increases, continues to confirm this estimate. A study of the 1990–91 increases, which raised the rate by 27%, found that it reduced overall teenage employment by 7.3% and black teenage employment by 10%. Similarly, a study of the 1996 increases found a decline in employment of between 2% and 6% for each 10% increase in the minimum wage.

In a study published by the Federal Reserve Bank of San Francisco, economist Kenneth Couch Translated these percentages into raw numbers. At the low end of the range, at least 90,000 teenage jobs were lost in 1996 and another 63,000 jobs lost in 1997. At the higher end, job losses may have equaled 268,000 in 1996 and 189,000 in 1997. He estimates that a $1 rise in the minimum wage will further reduce teenage employment by between 145,000 and 436,000 jobs.

The fact is that the vast bulk of economic research demonstrates that the minimum wage has extremely harmful effects on the very people it is designed to aid—the poor:

The minimum wage unambiguously reduces employment. The September 1998 issue of the Journal of Economic Literature, an official publication of the American Economic Association, contains a survey of labor economists on the employment effects of the minimum wage. When asked to estimate the impact of raising the minimum wage, the average effect was estimated at minus 0.21%, meaning that a 10% rise in the minimum wage will reduce overall youth employment by 2.1%. This puts to rest any notion that economists have changed their view that in general higher minimum wages reduce employment.

Increases in the minimum wage have a disproportionate impact on teenagers and the poor. The minus 2.1% figure cited above is an overall impact. For those currently earning less than the new minimum wage, the impact is much greater. For example, prior to the 1996 increase, 74.4% of workers between the ages of 16 and 24 already earned more than $5.15, and 4.3% were legally exempt from the minimum wage law. Thus the employment losses were concentrated among the 21.3% of workers making the minimum wage or slightly more. When one attributes total employment losses entirely to this group, it turns out that the employment loss figure is minus 1%, according to economists David Neumark, Mark Schweitzer and William Wascher. This means a 10% rise in the minimum wage reduces employment among this group by 10%.

Increases in the minimum wage add almost nothing to the incomes of poor families. There are two reasons for this. First, employment losses reduce the incomes of some workers more than the higher minimum wage increases the incomes of others. Second, the vast bulk of those affected by the minimum wage, especially teenagers, live in families that are not poor. Thus a study by economists Richard Burkhauser and Martha Harrison found that 80% of the net benefits of the last minimum-wage increase went to families well above the poverty level; almost half went to those with incomes more than three times the poverty level. (The poverty level is about $17,000 for a family of four.)

The minimum wage reduces education and training and increases long-term unemployment for low-skilled adults. Messrs. Neumark and Wascher found that higher minimum wages cause employers to reduce on-the-job training. They also found that higher minimum wages encourage more teenagers to drop out of school, lured into the labor force by wages that to them seem high. These teenagers often displace low-skilled adults, who frequently become semipermanently unemployed. Lacking skills and education, these teenagers pay a price for the minimum wage in the form of lower incomes over their entire lifetimes.

A raise in the minimum wage has always been an easy sell in Washington. But whatever the political realities may be, it's still a bad idea.

VALLEY HOSPITAL IN RIDGEWOOD, NEW JERSEY IS A LOCAL SPONSOR OF THE 12TH ANNUAL CANCER SURVIVORS DAY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mrs. ROUKEMA. Mr. Speaker, I rise to offer my thanks to Valley Hospital in Ridgewood, New Jersey, for being a local sponsor of the 12th annual National Cancer Survivors Day. This event helps those stricken with this tragic disease find hope, and emphasizes the progress medical science has made in fighting cancer. The organizers possess the understanding and sensitivity that help support the patients and families faced with this challenge.

This event, dedicated to curing and surviving cancer, has very poignant relevance to my own family. We lost our son, Todd, to leukemia in 1976 at the age of 17. At that time, bone marrow transplants and other techniques that offered hope were only in their experimental stages. Since then, many advances have been made that have spared thousands of other parents the heartbreak we faced. This is why a commemoration of National Cancer Survivors Day serves such a meaningful purpose for all who, like our family, have faced the trauma of this disease.

This year, National Cancer Survivors Day will be celebrated for the 10th time at Valley Hospital. About 200 people are expected to attend the ceremony, including leading oncologists and patients who have faced cancer and survived to tell their stories.

But Valley Hospital's involvement in fighting cancer goes far beyond speeches or ceremonies. Valley is a regional leader in the oncology field, treating more cancer patients than all other hospitals in Bergen and Passaic counties combined. A full range of oncology services are available, including a special program in pediatric oncology and endoscopic ultrasound technology. Valley's affiliation with Columbia-Presbyterian Medical Center and the

Southwest Oncology Group offer patients access to the newest treatment protocols. The radiation oncology service is the busiest in the state and the center offers free annual screenings for skin, prostate, breast and oral cancer. The oncology center goes beyond medical treatment, offering weekly support groups for patients, a comprehensive calendar of educational programs and extensive home care programs that aid not just cancer patients but their families as well.

A distinguishing characteristic of Valley's cancer programs is the availability and quality of radiation seed implant therapy for prostate cancer. Valley has attracted patients from around the world as the result of its unique prostate implant program, pioneered by urologist Howard Sandler, M.D., and radiation oncologist David Greenblatt, M.D. Physicians from across the country have come to Valley to learn brachytherapy from Drs. Sandler and Greenblatt and Dr. Michael Wesson, also a radiation oncologist.

During our lifetime, we have seen cancer go from a virtual death sentence to a disease that is often treatable, survivable and preventable. The overall survival rate for all forms of cancer—including the worst varieties—now stands at 60 percent. The survival rate for some of the better-understood cancers, such as breast cancer, is 81 percent. And if all Americans participated in screenings that could catch cancer at its early stages, experts estimate that 95 percent of cancer patients would survive. Since 1990, cancer death rates have been dropping an average 0.6 percent per year, according to the National Cancer Institute.

Despite these advances, more than 1.2 million new cancer cases are expected to be diagnosed this year and more than half a million people are expected to die—about 1,500 each day. Cancer is the second-leading cause of death in the United States, exceeded only by heart disease, and one of every four deaths is from cancer.

Sadly, many of these deaths occur even though they are preventable. Tobacco and alcohol related cancer account for nearly half of all cancer cases and are completely avoidable simply by not smoking and drinking only in moderation. Many skin cancers are caused by excessive exposure to sunlight and can be prevented by the simple use of suntan lotion and reduced exposure. Screening is available for many forms of cancer, including breast, colon, rectum, cervix, prostate, testis, oral and skin. I cannot emphasize enough the importance of detecting cancer as early as possible—early treatment can mean the difference between life and death.

Today, we are within grasp of a cure for many forms of cancer but much research remains to be done. I thank God for those who are willing to labor toward this goal and pray that with their help a cure can be found and that no one will ever again have to suffer from this terrible disease.

ROC TO DONATE $300 MILLION TO HELP KOSOVAR REFUGEES

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SWEENEY. Mr. Speaker, on June 7, 1999, after chairing a meeting concerning the Kosovo crisis, President Lee Teng-hui announced that the Republic of China will donate $300 million to help Kosovar refugees rebuild their homes. I would like to applaud the ROC for playing an active role in the "world arena" and working together to maintain world peace. Humanitarian aid to Kosovar refugees is a common goal for all countries. In recognition of their honorable deed I am submitting President Lee Tenug-hui's statement regarding assistance to Kosovar refugees.

PRESIDENTIAL STATEMENT REGARDING ASSISTANCE TO KOSOVAR REFUGEES

The huge numbers of Kosovar casualties and refugees from the Kosovo area resulting from the NATO-Yugoslavia conflict in the Balkans have captured close world-wide attention. From the very outset, the government of the ROC has been deeply concerned and we are carefully monitoring the situation's development.

We in the Republic of China were pleased to learn last week that Yugoslavia Slobodan Milosevic has accepted the peace plan for the Kosovo crisis proposed by the Group of Eight countries, for which specific peace agreements are being worked out.

The Republic of China wholeheartedly looks forward to the dawning of peace on the Balkans. For more than two months, we have been concerned about the plight of the hundreds of thousands of Kosovar refugees who were forced to flee to other countries, particularly from the vantage point of our emphasis on protecting human rights. We thereby organized a Republic of China aid mission to Kosovo. Carrying essential relief items, the mission made a special trip to the refugee camps in Macedonia to lend a helping hand.

Today, as we anticipate a critical moment of forth-coming peace, I hereby make the following statement to the international community on behalf of all the nationals of the Republic of China:

As a member of the world community committed to protecting and promoting human rights, the Republic of China would like to develop further the spirit of humanitarian concern for the Kosovar refugees living in exile as well as for the war-torn areas in dire need of reconstruction. We will provide $300 million. The aid will consist of the following:

1. Emergency support for food shelters, medical care, and education, etc. for the Kosovar refugees, living in exile in neighboring countries.

2. Short-term accommodations for some of the refugees in Taiwan, with opportunities of job training in order for them to be better equipped for the restoration of their homeland upon their return.

3. Furthermore, support the rehabilitation of Kosovo area in coordination with international long-term recovery programs when the peace plan is implemented.

We earnestly hope that the above-mentioned aid will contribute to the promotion of the peace plan for Kosovo. I wish all the refugees an early return to their safe and peaceful Kosovo homes.

A TRIBUTE TO ODUNDE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Odunde, Philadelphia's oldest and largest community-based festival, on the occasion of its 24th anniversary. The word Odunde originates from the Yoruba people of Nigeria, West Africa, and means Happy New Year. The festival is a recreation of traditional West African cultural festivals that celebrate the coming of another year through music, dance and prayer. Held in one of South Philadelphia's historically significant African American neighborhoods, Odunde attracts over 300,000 people annually and it has gained the reputation of being one of the largest African American street festivals in the United States.

Known for its authentic African marketplace with vendors selling a variety of artifacts, African clothing, educational materials and African, Caribbean and African American food, Odunde represents a tremendous economic opportunity for entrepreneurs.

Odunde is a vital cultural and educational experience that has become an important part of the Philadelphia experience. Odunde celebrates the rich cultural legacy of Africans of the diaspora and the experience enriches us all.

PERSONAL EXPLANATION

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mrs. BONO. Mr. Speaker, in light of my absence on Thursday, June 10, 1999, I wish to announce my position on the following amendments for the record: the Buyer to H.R. 1401 (rollcall vote No. 185)—Yes; the Traficant to H.R. 1401 (rollcall vote No. 186)—Yes; the Souder to H.R. 1401 (rollcall vote No. 187)—No; the Skelton to H.R. 1401 (rollcall vote No. 188)—Yes; the Shays to H.R. 1401 (rollcall vote No. 189)—No; the Weldon to H.R. 1401 (rollcall vote No. 190)—Yes.

And last, I announce my strong support for final passage of 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 to 2001, and for other purposes.

VIRGINIA BEACH PROCLAMATION OF RABBI ISRAEL ZOBERMAN DAY

HON. OWEN B. PICKETT

OF VIRGNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. PICKETT. Mr. Speaker, the City of Virginia Beach recently issued the following proclamation honoring Rabbi Israel Zoberman, the founding Rabbi of Beth Chaverim, the Reform Jewish Congregation of Virginia Beach:

Whereas Rabbi Zoberman was honored at a special reception on April 23, 1999 at Beth Chaverim; and

Whereas Rabbi Zoberman is the founding Rabbi of Beth Chaverim, the Reform Jewish Congregation of Virginia Beach; and

Whereas Rabbi Zoberman has been in the ministry for twenty-five years and was awarded the honorary doctor of divinity degree from his alma mater, the Hebrew Union College—Jewish Institute of Religion, Cincinnati Campus; and

Whereas Rabbi Zoberman is the first rabbi to serve as chairman of the Community Relations Council of the United Jewish Federation of Tidewater. He is a contributing editor to the Jewish Spectator. He is also the past president of the Hampton Roads Board of Rabbis and Virginia Beach Clergy Association; and

Whereas Beth Chaverim was the only Jewish congregation in the world to meet regularly in a Catholic Church; the Church of the Ascension in Virginia Beach and a close bond was established between the two organizations; and

Whereas Rabbi Zoberman has been a force for good as his ministry has touched not only the citizens of Hampton Roads, but many others throughout the world;

Now, Therefore, I, Meyera E. Oberndorf, Mayor of the City of Virginia Beach, Virginia, do hereby proclaim April 23, 1999 Rabbi Israel Zoberman Day in Virginia Beach, and call upon all citizens to recognize his many contributions to the city.

In Witness Whereof, I have hereunto set my hand and caused the Official Seal of the City of Virginia Beach, Virginia, to be affixed this Twenty-third day of April, Nineteen Hundred and Ninety-Nine. Meyera E. Oberndorf

TRIBUTE TO JUDGE JOHN R. HARVEY UPON HIS RETIREMENT FROM HIS OFFICE AS CHIEF SUPERIOR COURT JUDGE, ATLANTIC JUDICIAL CIRCUIT ON MAY 31, 1999

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KINGSTON. Mr. Speaker, quite simply, what separates civilized countries from countries which know only official corruption, abuse of power, and economic misery is the rule of law.

Without respect for the rule of law, countries with stunning natural resource wealth, extraordinary human capital, and even formidable military might are nothing more than failed models.

The Soviet Union, and now Russia, possessed all of these attributes.

And yet the Soviet Union was never more than a declining power and a model from which its citizens tried to flee by the thousands.

It was never one to which millions yearned to come to, and realize new and exciting possibilities.

Although the Soviet Union is an extreme case, too little regard for the rule of law is the norm, and it characterizes regimes on every continent.

America however, has always been different.

Historians have spoken of American Exceptionalism since the days of Alexis de Tocqueville over 150 years ago, and one of the most important ingredients in this belief about our special, even God-given role in the world is our regard for the rule of law.

Judge John Harvey, who retired from the bench as Chief Superior Court Judge of the Atlantic Judicial Circuit on May 31st of this year, is a man whose entire professional life inspires faith in the rule of law.

A man of probity and regard for honor, Judge Harvey brought to his life's work a quiet determination and unceasing commitment to do right.

We Americans believe in the basic framework of our rule of law as embodied in the Constitution, a document which has stood the test of time.

Despite the steady erosion in the freedoms guaranteed in this document over the past several decades, we still revere the Constitution as a reflection of what we believe in as a people, what the relationship between the ruled and rulers should be, and what is right and good about the most successful experiment in democracy the world has ever seen.

But the Constitution is not enough.

A piece of paper can never alone ensure respect for the rule of law.

It cannot protect us from encroachments on our freedom.

And it can never forfend the inevitable tendency of rulers to abuse their power.

For the rule of law to triumph, honest men and a virtuous people must insist that it triumph, and they must step forward and demand that threats to our freedom be vanquished.

The Constitution provides us with the road map; but honest judges, dedicated police officers, lawyers with integrity, and ethical federal administrators, are the ones who must make the rule of law a reality, a system to which all citizens can appeal, and from which all citizens can receive justice.

If even the least among us is denied justice under our system of laws, faith in our rule of law is undermined, and our freedoms are no longer safe.

Absent people who are committed to the rule of law, citizens will not have faith that their grievances will be addressed, or that the law-abiding will be protected from those who wish to do us harm.

Judge Harvey possesses the kind of even temperament and fair-minded approach to every case that send a signal to plaintiffs and defendants alike that in this case, in this court, before this judge, the law will be upheld and every attempt will be made for the truth to triumph.

Judge Harvey was a popular judge who was respected for his sharp legal mind and judicious demeanor.

But he was esteemed and admired even more for his reverence for the law and for his integrity.

His early success in his life as a distinguished jurist—becoming superior court judge at the age of 38—did nothing to lessen his commitment to his youthful ideals of serving as an honest lawyer in a noble profession.

Indeed, his achievement merely spurred him to take his responsibilities even more seriously and with even greater care.

Judge Harvey always wanted to be a lawyer.

Some lawyers engender respect for the rule of law; others bring our system of laws into disrepute and cause people to lose faith in the very government we elect to serve us.

Judge Harvey always dreamed of becoming a lawyer in the first category, a lawyer who will make the system work the way it is supposed to.

America will cease to be a country where the rule of law is respected without people like Judge John Harvey.

Rising before the sun and leaving the office after colleagues decades his junior, Judge Harvey adhered to work habits and ethical that touched the lives of countless individuals who are responsible for making sure that our Constitution is more than a piece of paper of an inspired origin.

His profession, his task, is to make sure that the system works and to create in the citizenry a regard for the rule of law that is all too rare in most countries of the world.

In that task, his efforts were singularly successful, and his departure from the bench is a great loss to us all.

But the example he set for others remains, and his impact will long outlive his tenure as a sitting judge.

Judge Harvey makes me proud to be an American, and it is my great honor to pay tribute to him today.

Judge Harvey, thank you for your outstanding service to the United States of America; we will miss you.

CONFLICT IN KASHMIR

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. McCOLLUM. Mr. Speaker, I rise today because of concerns for the increased tensions in the Kashmir region of India. From the accounts that I've seen, it is my understanding that the current fighting near Kargil, Kashmir, is the most dangerous escalation since the Indo-Pak war of 1971. The current crisis apparently began when a heavily armed, and considerably large force comprised of Islamic terrorists and Pakistani regulars, including some of Osama bin Laden's followers, crossed the "Line of Control" into India, occupying Indian military positions that had been temporarily abandoned for the winter season. Indian security forces took prompt action to remove these infiltrators and defend Indian territory. Units of the Pakistani Army quickly joined the fighting, providing the infiltrators with heavy artillery fire as well as firing at Indian aircraft and helicopters striking the infiltrators' positions.

There should be no doubt that this operation could not have taken place without the direct support from, and authorization of, the highest levels of government in Islamabad. The Islamist terrorists involved, including supporters of bin Laden's, have received specialized training and equipment in camps in Pakistan since the Fall of 1998. The infiltrating force itself—a composite grouping of Pakistani

regulars and Islamist terrorists (Kashmiris, Pakistanis, Afghans and Arabs) is reportedly operating in close cooperation with the local units of the Pakistani Armed Forces. There should be little doubt that these forces conduct a war-by-proxy on behalf of Pakistan.

No less troubling are the recent claims by Pakistani officials that the fighting in the Kargil area is actually taking place on Pakistani territory. The essence of this claim is challenging the validity of the Line of Control (LOC) as defined by the Simla Accords of 1972. One cannot hope to reduce tension and build mutual trust—commonly regulated in international treaties and agreements—when one of the protagonists unilaterally challenges the validity of well established bilateral and international agreements.

Thus, these recent developments are particularly troubling given the agreement between India and Pakistan earlier this year, the Lahore Declaration, that sought to promote regional stability and security, and most importantly peace, in South Asia. However, the actions of these terrorists are precisely what those concerned about India and the security of the region have raised as being a potential problem.

It is certainly in the United States' best interest to ensure stability in this region. India is important to our national security in an increasingly dangerous area. India and the United States share common bonds in fighting terrorism. We also share growing concerns with China, too. India is justified in taking action to remove these terrorists from within its borders. If these infiltrators are allowed in with no action to expel them, it will only embolden others to take their place.

I am hopeful that discussions scheduled for this weekend between India's Prime Minister Vajpayee and Pakistan's Prime Minister Sharif will resolve this issue. In any event, the U.S. should support the peaceful resolution to this conflict.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000

SPEECH OF

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 9, 1999

The House in Committee of the Whole House on the State of the Union had under consideration 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, and for other purposes:

Ms. PELOSI. Mr. Chairman, I rise today in strong support of the Sanchez-Morella-Lowey amendment. American women have a constitutionally protected right to choose. We must protect this right.

The Sanchez-Morella-Lowey amendment would reverse the ban on privately funded abortion services at U.S. military bases overseas. This amendment would provide servicewomen and military wives who live on American overseas military bases, the same access to health care as their United States based colleagues. The women we station overseas are already making great sacrifices for their country by leaving behind their family, friends, and community. We should not deny them their constitutional rights nor access to reproductive services.

This amendment would not expend Federal funds for abortion services. This amendment would not require health care professionals who oppose abortion to provide this medical service owing to their moral principle or as a matter of conscience. This amendment would return this policy to where it previously stood for many years under both Republican and Democratic administrations. The Department of Defense supports this amendment. Simply put, this amendment would allow women stationed overseas to use their own funds at overseas military hospitals to exercise their constitutional right to obtain abortion services. Current policy forces women who seek reproductive services to wait until they return to America or to seek out illegal and unsafe procedures near where they are stationed. Therefore current policy often jeopardizes their health and lives.

While I certainly respect my colleagues' views on the question of abortion, the fact is that women do have a right to choose that option, in consultation with their family, their doctors, and their God, and we should not make that decision more dangerous for them.

In the interest of making abortions safe when necessary, I urge my colleagues to vote to support the Sanchez-Morella-Lowey amendment. By allowing the Department of Defense to move ahead on this, we will ensure the safety of the American women we have stationed overseas. We have a responsibility to do this.

ANDREW TOWNE, LEGRAND SMITH SCHOLARSHIP WINNER OF PITTSFORD, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence he has compiled in academics, leadership and community service, that I am proud to salute Andrew Towne, winner of the 1999 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Andrew is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Andrew Towne is an exceptional student at Pittsford High School and possesses an impressive high school record. Andrew's involvement in football, basketball and track began his freshman year and continued through his freshman year and continued through his senior year. He excelled both academically and athletically as Captain of the Quiz Bowl and Basketball Team. Outside of school, Andrew participated in several volunteer activities to improve the community.

Therefore, I am proud to join with his many admirers in extending my highest praise and congratulations to Andrew Towne for his selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to his success. To this remarkable young man, I extend my most heartfelt good wishes for all his future endeavors.

CONGRATULATING THE GLENWOOD SCHOOL FOR RECEIVING THE TITLE I DISTINGUISHED SCHOOL AWARD

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today to congratulate the Glenwood School of Springfield, Massachusetts. The Glenwood School was recently included as one of 88 schools nationally awarded the Title I Distinguished School Award. This award recognizes schools operating in high-poverty attendance areas that have been successful in raising the level of achievement of their students. This award is a tribute to the collective efforts of the dedicated educators, parents, administrators, and most of all the students. The backbone of the operation is the principal of the school, Mr. Daniel J. Warwick. He worked in conjunction with United Cooperative Bank, the PTO, and volunteers to ensure that the students would be given the best opportunity to achieve such an academic turnaround.

All parties involved displayed mutual hard work to earn this recongintion as an exemplary school nationwide. The steps taken at Glenwood School will help to lessen the gap of achievement between advantaged and disadvantaged students. The hard work that all the members of the Glennwood School community portrayed will help to show that all children can learn to high standards.

This community has also shown a set of priorities that other schools with high concentrations of children in poverty can abide by.These priorities included an emphasis on challenging academic content and performance centers, a teaching/learning environment characterized by curricula aligned to standards and an assessment system, and a commitment to ongoing professional development, family, and community involvement.

The Glenwood School has successfully overcome socioeconomic problems (82% poverty level) to achieve academic excellence. It has shown all children that they have the opportunity to learn and realize their true potential. By incorporating the entire student body and community the Glenwood School has overcome the odds. Their recent success should be commended. Mr. Speaker, I am proud to have such a hard working school in my district. Glenwood School's inaugural success has sparked a desire to continue moving

forward. This sole reason perhaps more so than any other, deserves our respect and congratulations.

HONORING TAIWAN FOR ITS COMMITMENT TO THE REFUGEES OF KOSOVO

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. KING. Mr. Speaker, I rise today to recognize Taiwan's continuing commitment to peace and stability in the Balkan region. Classified by China as a renegade province with no right to diplomatic recognition, Taiwan is excluded from the United Nations and deprived of relations with many nations. Despite this diplomatic embargo, Taiwan unveiled this past Monday, June 7, a $300 million aid package to assist the more than 782,000 ethnic Albanians who have been forced to leave as a result of Slobodan Milosevic's genocidal campaign.

This aid package will include emergency supplies for Kosovar refugees and contributions to long-term reconstruction efforts by the international community in Kosovo once a peace plan is accepted and implemented. In addition, it also offers to arrange for Kosovar refugees to receive short-term technical training in Taiwan.

I urge my colleagues to recognize Taiwan's sincerity and commitment to join the international drive to help the Kosovar refugees.

DR. HAROLD P. FURTH: A SCIENTIFIC LEADER AND A GREAT AMERICAN

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. HOLT. Mr. Speaker, I rise today to pay tribute to Harold P. Furth who has been appointed an Emeritus Professor of Princeton University, effective July 1st.

Dr. Furth, who served for 10 years as the director of the Princeton Plasma Physics Laboratory, has been a world leader in our nation's effort to recreate on earth the fusion process that powers the stars. As Dr. Furth has long understood, fusion can provide an abundant, safe, and environmentally attractive energy source to meet America's long term needs.

Dr. Furth conceived of the Tokamak Fusion Test Reactor (TFTR), the world's most successful fusion experiment, and oversaw its design and scientific program. TFTR achieved all of its research objectives, including the production of world-record amounts of fusion power in 1994. Discoveries made on TFTR increased substantially the basic understanding of fusion. These results are providing the insights necessary for the success of advanced fusion experiments now underway.

Beyond his renowned scientific prowess, I have for years admired his adept leadership in the science community. During the last year in which Dr. Furth was the Director of the Princeton Plasma Physics Laboratory, I was privileged to serve as the Assistant Director. As a scientific director, he established the right symbiotic relationship between theory and experiment. Dr. Furth's knowledge of all aspects of the field of fusion science and plasma physics and his erudite manner have made him a truly outstanding leader of the fusion community.

As a Congressman now, I deeply appreciate his ability to lead both in the details of a major scientific program and his ability to provide direction for the field as a whole. His shrewd judgment allows him to be an effective steward of our nation's resources. He continues to show extraordinary ability to gauge all aspects of the fusion program, scientific, political, and economic, and to see the proper direction of the program.

We will continue to rely on the outstanding contributions of Americans such as Harold Furth as the foundation for our national security and economic well-being in the 21st century.

INTRODUCTION OF LEGISLATION

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. McCRERY. Mr. Speaker, I rise today to announce the introduction of the United States-Flag Merchant Marine Revitalization Act of 1999. This bipartisan legislative initiative, which I am introducing along with Congressman Herger of California, Congressman Jefferson of Louisiana, and Congressman Abercrombie of Hawaii, is critically important to the modernization and growth of the United States maritime industry, our nation's fourth arm of defense.

History has repeatedly proven—and Congress has repeatedly affirmed—that the United States needs a strong, active, competitive and militarily-useful United States-flag commercial maritime industry to protect and strengthen our nation's economic and military security. In times of war or other emergency, as vividly demonstrated during the Persian Gulf War, United States-flag commercial vessels and their United States citizen crews respond quickly, effectively and efficiently to our nation's call, providing the sealift sustainment capability necessary to support America's armed forces overseas.

In 1992, General Colin Powell, then-Chairman of the Joint Chiefs of Staff, told the graduating class of the United States Merchant Marine Academy at Kings Point that:

> Since I became Chairman of the Joint Chiefs of Staff, I have come to appreciate firsthand why our merchant marine has long been called the nation's fourth arm of defense . . . The war in the Persian Gulf is over but the merchant marine's contribution to our nation continues. In war, merchant seamen have long served with valor and distinction by carrying critical supplies and equipment to our troops in far away lands. In peacetime, the merchant marine has another vital role-contributing to our economic security by linking us to our trading partners around the world and providing the foundation for our ocean commerce.

I am convinced that the best way to ensure that our nation continues to have the militarily-useful commercial vessels and trained and loyal United States citizen crews we need to support our interests around the world is to enact those programs and policies that will better enable our maritime industry to flourish in peacetime. I am equally convinced that one important way to do so is to provide a tax environment for our maritime industry which more closely reflects the favorable tax treatment other maritime nations provide to their own merchant fleets. The legislation my colleagues and I are introducing today will in fact strengthen the competitiveness of United States-flag vessel operations by providing a greater opportunity for American vessel owners to accumulate the private capital necessary to build modern, efficient and economical commercial vessels in American shipyards.

This bill amends the existing merchant marine Capital Construction Fund (CCF) program contained in section 607 of the Merchant Marine Act, 1970 and section 7518 of the Internal Revenue Code of 1986. The existing program allows an American citizen to deposit the earnings from various United States built, United States-flag vessel operations into a tax-deferred Capital Construction Fund to be used exclusively in conjunction with an approved United States shipbuilding program. The deferred tax is recouped by the Treasury through reduced depreciation because the tax basis of vessels built with CCF monies is reduced on a dollar-for-dollar basis.

In order to better reflect the significant tax-related disadvantages American vessel owners face as compared to their foreign competition, and to continue to ensure our nation has the most militarily useful and economically viable domestic maritime industry, this legislation would amend the existing CCF program to expand the type of earnings eligible to be deposited into a CCF and the purposes for which a qualified withdrawal can be made. Significantly, these amendments do not in any fashion alter or weaken the existing requirement that vessels build with CCF monies must be built in the United States and operate under the laws of the United States with United States citizens crews.

Specially, this legislation amends the CCF program to:

Allow earnings from United States-flag foreign built vessels to be deposited into a CCF in order to increase the amount of capital available to build vessels in an American shipyard;

Allow CCF monies to be withdrawn to build, in an American shipyard, a vessel for operation under the United States-flag in the oceangoing domestic trades in order to further enhance the modernization and growth of this important segment of the maritime industry;

Allow CCF monies to be withdrawn to acquire United States-built containers or trailers for use on a United States-flag vessel in order to better ensure that cargo moves on American vessels in a safe and efficient fashion;

Allow CCF monies to be withdrawn in conjunction with the lease of a United States-built vessel, trailer or container in order to better reflect the realities of current ship financing arrangements;

Allow a vessel owner to deposit into a CCF the duty arising from foreign ship repairs to ensure that the duty is used to the benefit of United States shipyards; and

Remove the CCF as an alternative minimum tax adjustment item so that the full intended benefits of the program—the accumulation of private capital for the construction of commercial vessels in United States shipyards—are realized.

The United States-Flag Merchant Marine Revitalization Act of 1999 is critically important to the modernization and growth of the United States-flag merchant marine and should be supported and enacted. It will generate significant commercial vessel construction in United States shipyards and help American flag vessel operators compete more equally with their foreign flag vessel counterparts.

HONORING CHRISTINA WRIGHT, LEGRAND SMITH SCHOLARSHIP WINNER OF MARSHALL, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Christina Wright, winner of the 1999 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Christina is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Christina Wright is an exceptional student at Marshall High School and possesses an impressive high school record. Christina has received numerous awards for her involvement in Debate and the Performing Arts. Outside of school, she has served the community through many church activities and the United Way.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Christina Wright for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

CONSUMER TELEMARKETING FINANCIAL PRIVACY PROTECTION ACT OF 1999

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. LAFALCE. Mr. Speaker, I am today introducing legislation to restrict the sharing of credit card account numbers and other confidential information for purposes of telemarketing to consumers. My legislation responds to widespread negative-option telemarketing schemes that were brought dramatically to the public's attention this week in a speech by the Comptroller of the Currency and in a major lawsuit announced yesterday by the Minnesota Attorney General. I am pleased to join in sponsoring this legislation with my colleague from Minnesota, BRUCE VENTO, the Ranking Member of the Financial Services Subcommittee, and my Banking Committee colleagues BARNEY FRANK, PAUL KANJORSKI, KEN BENTSEN and JAY INSLEE.

While negative option telemarketing schemes appear to have been in operation for several years, their significance and breadth only recently came to light in news stories and state Attorneys General investigations. They remained hidden largely because most consumers don't realize they have been victimized and, for those who do, many assume the problem is a random mistake. Most consumers find it hard to believe that their bank or credit card company would systematically sell their private account numbers to questionable marketing operations. This is not the way banking has traditionally been conducted.

Consumers should have confidence that their credit card and bank account numbers will not be sold to the highest bidder. They should not feel they have to scrutinize their credit card statements for unauthorized charges. And they should not have to fear that every sign of interest or request for information in a telemarketing call will lead to automatic charges on their credit cards. This is unfair to consumers and potentially damaging to our banking system.

These telemarketing schemes operate in the following manner. A bank will enter into an agreement with an unaffiliated firm that provides telemarketing services to companies offering a variety of discount, subscription, service or product sampling memberships. The bank provides extensive confidential personal and financial information about its customers in return for a fee and commissions on sales made by the telemarketing firm. The information goes far beyond the names and addresses of customers, including specific account numbers, account balances, credit card purchases and credit scoring information. This information enables the marketer to profile the bank's customers and offer "trial memberships" that are targeted to each customer's interests, income and buying habits.

What makes the whole thing work is the fact that the telemarketer already has access to the consumer's credit card account. If the consumer indicates any interest in a "trial" membership, or even in receiving additional materials, their credit card account is automatically charged for the membership without the customer ever disclosing their account number or even knowing that they have authorized the charge. In many instances, the customer never notices the charge, or only sees it when it automatically converts into a continuing series of monthly membership or product charges. The consumer then has to take actions to stop the charges (hence the term "negative option") and attempts to have the charges refunded to their account.

According to state officials, consumers typically have considerable difficulty obtaining refunds for these charges, or even getting their bank to remove continuing charges from their account. Many have had to contact their State Attorney General before the bank or telemarketer would refund the charges.

While the Comptroller of the Currency this week identified this practice as an example of banking practices "that are seamy, if not downright unfair and deceptive", they do not appear to violate any federal law or regulation. The Fair Credit Reporting Act (FCRA) currently exempts from regulation any information that a bank derives from its routine transactions and experience with customers. This permits a bank to provide credit related information to credit bureaus without itself being regulated as a credit bureau. Until recently, banks did not routinely share confidential customers information out of concern for maintaining customer confidence. Clearly, this has changed. The other applicable federal statute, the federal Telemarketing Act and the FTC's Telemarketing Rule, also provide only limited protection since telemarketers are required only to show some taped expression of interest or consent before charging a consumer for a membership or service. However, few consumers understand that agreeing to a "trial" offer will lead to automatic and repeated charges to their credit card account.

Banking regulators also have been limited in their ability to respond to this problem as a result of amendments made to the Fair Credit Reporting Act in 1996 that restrict regulatory agencies from conducting bank examinations for FCRA compliance except in response to specific complaints. Even then, the statute limits the regulator's ability to monitor compliance only to regularly scheduled bank examinations. Authority to interpret FCRA to address such practices also is limited to the Federal Reserve Board, which often does not have direct regulatory contact with most of the institutions involved.

The absence of federal regulation has permitted bank involvement in negative option telemarketing to become far more widespread than first assumed. The action brought yesterday by the Minnesota Attorney General cited several bank subsidiaries of US Bancorp. Newspaper articles have described identical operations involving other national telemarketing firms and a number of major national banks and retailers. Documents filed with the SEC last year by the telemarketing company cited in the Minnesota action claimed that the company had "over 50 credit card issuers" as clients, "including 17 of the top 25 issuers of bank credit cards, three of the top five issuers of oil company credit cards and three of the top five issuers of retail company credit cards."

Comptroller Hawke was entirely correct in citing this as a widespread problem that raises potential safety and soundness concerns for the banking system and also as an example of "practices that cry out for government scrutiny."

The bill I am introducing today would address this problem from several perspectives. First, it amends the Fair Credit Reporting Act to limit the current exemption for sharing of

confidential transaction and experience information about customers. Under the bill, information can be shared for purposes of telemarketing only if (1) the information to be shared does not include any account numbers for credit cards or other deposit or transaction accounts and (2) the bank provides clear and conspicuous disclosure to the consumer of the type of information it seeks to share with a telemarketer and provides the consumer with an opportunity to direct that the information not be shared.

Second, the bill addresses the limitations on current regulatory enforcement by removing the 1996 limitations on the ability of bank regulators to undertake examinations and enforcement actions to assure FCRA compliance. It broadens FCRA rulemaking authority to provide for joint rulemaking by the OCC, OTS and FDIC as well as the Federal Reserve. And it extends rulemaking authority for the National Credit Union Administration for purposes of compliance by federal credit unions.

Mr. Speaker, my bill does not attempt to take on the entire issue of financial privacy. It is narrowly targeted to address only the problem of sharing information for purposes of telemarketing. However, it offers meaningful privacy protections that are urgently needed by consumers and which Congress can, and should, enact into law at the earliest opportunity.

I urge the Congress to adopt this important and needed legislation.

The text of the bill follows:

H.R.—

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

SECTION 1. SHORT TITLE.

SHORT TITLE.—This Act may be cited as the ''Consumer Telemarketing Financial Privacy Protection Act of 1999''.

SEC. 2. LIMITATIONS ON THE SHARING OF CONFIDENTIAL INFORMATION FOR PURPOSES OF TELEMARKETING TO CONSUMERS.

Section 603(d)(2)(A)(i) of the Fair Credit Reporting Act (15 U.S.C. 1681a(d)(2)(A)(i)) is amended by inserting before the semicolon at the end thereof the following:

'', and any communication of that information by the person making the report to any other person for the purpose of telemarketing to the consumer, if—

''(aa) it is clearly and conspicuously disclosed to the consumer the information that may be communicated to such persons and the consumer is given the opportunity, before the time that the information is initially communicated, to direct that such information not be communicated among such persons; and

''(bb) the information to be communicated does not include an account number or other form of access for a credit card, deposit or transaction account of the consumer for use in connection with any telemarketing to the consumer''.

SEC. 3. ENHANCEMENT OF FEDERAL ENFORCEMENT AUTHORITY.

Section 621 of the Fair Credit Reporting Act (15 U.S.C. 1681s) is amended—

(1) in subsection (d), by striking everything following the end of the second sentence; and

(2) by striking subsection ''(e)'' and inserting in lieu thereof the following;

''(e) REGULATORY AUTHORITY.—

''(1) The Federal banking agencies referred to in paragraphs (1) and (2) of subsection (b) shall jointly prescribe such regulations as necessary to carry out the purposes of this Act with respect to any persons identified under paragraph (1) and (2) of subsection (b), or to the holding companies and affiliates of such persons.

''(2) The Administrator of the National Credit Union Administration shall prescribe such regulations as necessary to carry out the purposes of this Act with respect to any persons identified under paragraph (3) of subsection (b).''.

SEC. 4. REGULATIONS.

The Federal banking agencies referred to in paragraphs (1) and (2) of subsection (b), not later than the end of the 6-month period beginning on the date of the enactment of this Act, shall issue joint regulations in final form to implement the amendments made by this Act. The Administrator of the National Credit Union Administration, not later than the end of the 6-month period beginning on the date of enactment of this Act, shall issue regulations in final form to implement the amendments made by this Act with respect to any Federal credit union.

INTRODUCTION OF H.R. 2119—''THE YOUNG AMERICAN WORKERS' BILL OF RIGHTS ACT''

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. LANTOS. Mr. Speaker, today I introduced comprehensive domestic child labor reform legislation—H.R. 2119, ''The Young American Workers' Bill of Rights Act.'' I am delighted to report that this legislation has been cosponsored by 57 other Members of the Congress, including my distinguished fellow Californian, Congressman TOM CAMPBELL of San Jose, and our distinguished colleague, Congressman JOHN PORTER of Illinois, who is Co-Chairman with me of the Congressional Human Rights Caucus.

It is a shocking fact, Mr. Speaker, that the occupational injury rate for children and teens in this country is more than twice as high as it is for adults. A young person is killed on the job in this country every five days. A young worker is injured on the job every 40 seconds. These deaths and these injuries to our nation's children are totally unacceptable.

Mr. Speaker, as America prepares to enter the 21st Century, we must ensure that our children work under safe conditions. We must ensure that the work available to them does not limit their educational opportunities, but helps them achieve healthy and productive lives. The Young American Workers' Bill of Rights will help to make certain that job opportunities available to our young people are safer and do not interfere with their education.

Unfortunately, the exploitation of child labor in our country is not a thing of the past. It is a national problem that continues to jeopardize the health, education, and lives of many of our nation's children and teenagers. In farm fields and in fast-food restaurants all over this country, employers are breaking the law by hiring under-age children. Many of these youth put in long, hard hours and often work under dangerous conditions. Our legislation seeks to eliminate the all-too-common exploitation of children—working long hours late into the night while school is in session, and working under hazardous conditions.

Mr. Speaker, H.R. 2119—The ''Young American Workers' Bill of Rights Act''—addresses two major aspects of child labor: the deaths and serious injuries suffered by our young workers and the negative impact which working excessive hours during school can have on a child's education.

The legislation establishes new, tougher penalties for willful violations of child labor laws that result in the death or serious bodily injury to a child. Not only does the bill increase fines and prison sentences for such willful violation of our laws, but it will assure that the names of child labor law violators are publicized. Nothing will deter corporate giants more than negative publicity, and bad press is one of the few effective sanctions that are available to us.

Mr. Speaker, our legislation also increases protection for children under the age of 14 who are migrant or seasonal workers in agriculture. Current labor laws allow children—even those under 10 years of age—to be employed in agriculture. Farm worker children can work unlimited hours before and after school, and they are not even eligible for overtime pay. At the age of 14, or even earlier, children working in agriculture can use knives and machetes, operate dangerous machinery, and be exposed to toxic pesticides. In no other industry are children so exploited as they are in agriculture.

H.R. 2119 also requires better record keeping and reporting of child labor violations, prohibits minors from operating or cleaning certain types of unsafe equipment, and prohibits children from working in certain particularly hazardous occupations.

Mr. Speaker, our legislation will reduce the problem of children working long hours when school is in session, and it strengthens existing limitations on the number of hours children under 18 years of age can work on school days. The bill would eliminate all youth labor before school, and after-school work would be limited to 15 or 20 hours per week, depending on the age of the child. This is important, Mr. Speaker, because the more hours children work during the school year, the more likely they are to take easier courses, and the more likely they are to do poorly in their studies. Studies have shown that children who work long hours also tend to use more alcohol and drugs.

Mr. Speaker, too many teenagers are working long hours at the very time that they should be focusing on their education. It is important for children to learn the value of work, but education, not minimum-wage jobs, are the key to these young people's future. Our legislation is an important step in focusing attention back upon education.

Mr. Speaker, I urge my colleagues to join as cosponsors of this legislation. The future of our nation depends upon the strength of our young people. It is important that we assure a safe place to work and that we be certain that work not interfere with education.

HONORING MEGAN ROONEY, LEGRAND SMITH SCHOLARSHIP WINNER OF CONCORD, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Megan Rooney, winner of the 1999 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Megan is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Megan Rooney is an exceptional student at Concord High School and possesses an impressive high school record. Megan's involvement in student government and school activities began her freshman year and continued through her senior year. She served as President of the student body and Vice-President of S.A.D.D. Megan excelled athletically as well on the basketball and softball teams.

Therefore, I am proud to join with her many admirers in extending my highest praise and congratulations to Megan Rooney for her selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to her success. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.

THE DEPARTMENT OF DEFENSE SHOULD PURCHASE FREE WEIGHT STRENGTH TRAINING EQUIPMENT MANUFACTURED IN THE UNITED STATES, NOT COMMUNIST CHINA

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. GOODLING. Mr. Speaker, the United States has long been the leader in manufacturing. Our ingenuity and efficiency drove our economy from a largely agrarian society to the bustling industrial powerhouse that it is today. However, over the years, many foreign countries with government controlled economies have steadily cut into our markets because their subsidized products clearly have an economic advantage in our open markets.

While I applaud efforts of the United States government to level the playing field by controlling the flood of subsidized imports, I cannot condone the actions by our government that facilitate the continued import of these cheap products. I encountered these troubles during the 103rd Congress when I shepherded legislation through the Congress requiring the U.S. Coast Guard to purchase buoy chain manufactured in the United States because an overabundance of their purchases relied on foreign sources. Today, a similar problem is occurring when the Department of Defense purchases free weight strength training equipment.

Despite having quality, domestically manufactured products available to provide our troops, various installations of the United States Armed Services are purchasing free weight strength training equipment manufactured in foreign countries, predominantly in the Peoples Republic of China. As a result, many of our troops are training with equipment that not only is manufactured by a Communist government that has worked to undermine the national security of the United States, but also may be manufactured with slave labor.

These cheap, lower-grade Chinese products are imported by American fitness companies and sold to our government under domestic labels at the expense of our domestic manufacturers. Consequently, American producers have suffered.

Buy American legislation was enacted to protect our domestic labor market by providing a preference for American goods in government purchases. This Act is critical to protecting the market share of our domestic producers from foreign government-subsidized manufacturers. However, the Buy American Act is not always obeyed.

According to an audit conducted last year by the Inspector General of the Department of Defense, an astonishing 59 percent of the contracts procuring military clothing and related items did not include the appropriate clause to implement the Buy American Act. This troubles me because many of our domestic producers are the ones that suffer.

Despite this audit and the subsequent instruction by the Defense Department to its procurement officials that the Buy American Act must be adhered to, to date, at least five defense installations provide predominantly foreign made free weight products for their personnel to weight train. Unfortunately, I believe this may signify a trend in purchases of foreign manufactured free weights under the Department of Defense.

For this reason, I tried offering an amendment that would prohibit the Secretary of Defense from procuring free weight equipment used by our troops for strength training and conditioning if those weights were not domestically manufactured. Unfortunately, the Rules Committee did not rule this amendment in order.

As a result, I offered a second amendment that would require the Inspector General to further investigate the Defense Department's compliance with purchases of the Buy American Act for free weight strength training equipment. However, I think it is important to note that while this approach could successfully highlight the problem, it would only delay the process, thereby, further punishing our domestic producers.

No one can argue that the physical fitness of our troops is vital. It is well known in the Pentagon that when you're physically fit, you're also mentally prepared for any conflict. It is the cornerstone of readiness. In fact, a recent survey of nearly 1,000 Marine Corps Times, cited fitness as the number one program offered under the Morale, Welfare and Recreation program.

In addition, the importance of using free weights to train our military cannot be understated. The Marine Corps Times article further demonstrated the need for free weights by explaining that access to free weights was the number one requested activity by deployed units and the second most popular request by units about to be deployed; second only to E-mail access. Clearly, the demand for free weights is present.

However, the fact that some of our troops use Chinese manufactured weights when a higher quality domestic product is available, I find remarkable.

Although the Department of Defense may have taken steps to curb Buy American Act procurement abuses in the aftermath of the Inspector General's report on clothing procurement, I am concerned that widespread abuses of foreign free weight procurements may continue unless Congress acts to end this practice.

I believe Congress needs to protect our domestic interests by ensuring that U.S. manufacturers are insulated from cheap imports being sold to the United States government, and that our troops train with a high quality product manufactured in the United States, not Communist China. Accordingly, it is my intention to prohibit our military from spending U.S. tax dollars on free weight strength training products that are produced by a Communist government that has little respect for our national security and human rights.

RETURN UNSPENT CONGRESSIONAL OFFICE FUNDS

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. ROEMER. Mr. Speaker, I rise today to introduce important, bipartisan legislation to require Congressional office funds be returned directly to the Department of the Treasury at the end of the year to help pay down the national debt. I offer this legislation with Representatives Fred Upton, Dave Camp and 52 original cosponsors.

At this time, Congress is making tough decisions about federal spending as we debate the appropriations legislation for Fiscal Year 2000. We are working hard to keep the overall spending levels within the caps implemented by the Balanced Budget Amendment, which I cosponsored and voted for in 1996. We are making difficult choices and sacrifices, and it is appropriate for Members of Congress to lead by example.

That is why I have introduced this legislation to show American taxpayers that Congress is tightening its own belt by returning money allocated to Members for official expenses, staff salaries and mail funds. I have introduced this bill in each of the past three Congresses and the language of my legislation has been attached to each Legislative Branch Appropriations bill dating back to fiscal year 1996.

This year, I have modified my legislation. Since both the Congressional Budget Office and the Office of Management and Budget have forecast budget surpluses for the current fiscal year, my bill no longer requires Congressional office savings to be redesignated for deficit reduction. Instead, the bill requires unexpended funds contained in the Members' Representational Allowance (MRA) account—formerly known as the official expenses, clerk hire and franking accounts—to be applied toward reducing the federal debt. In the event that the United States returns to a budget deficit, the legislation specifically requires the Treasury to apply any remaining Congressional office funds to deficit reduction.

Mr. Speaker, I know that many of my colleagues have shared my concerns and frustrations that money saved by Members of Congress was not applied to deficit reduction or reducing the federal debt before my legislation was enacted. Rather, funds were simply ''reprogrammed'' for other budget items, thereby defeating the frugal intentions of many Members. The unspent funds would remain available for reprogramming for the following three years, including the year for which those funds were appropriated. At the end of the three years, unspent money immediately reverted from the House account to the General Fund of the U.S. Treasury.

My legislation would ensure that taxpayers truly benefit from savings accrued by Members, who in turn would receive the credit they deserve for not spending their entire office allowance. Since I have served in Congress, I have saved more than one million dollars. There are many Members who have worked just as hard not to spend as much as they were entitled to spend based on their official allocation.

In fact, an analysis of Congressional spending conducted by the National Taxpayers Union indicated that Members have spent an average of 89.1 percent of their allowances since 1995. Since the Legislative Branch Appropriations bill for FY 2000 contains $413.5 million for the MRA account, the potential savings could amount to tens of millions of dollars. These are significant savings, and they should be used to help pay down the national debt. This debt currently exceeds $5.5 trillion, and interest of the debt remains the second largest expenditure in the entire federal budget. This amount is being paid in full by the American taxpayers every year.

Mr. Speaker, this bipartisan legislation clearly demonstrates that Congress is leading from the top down and is working hard to find ways to lower the national debt. I am pleased that this legislation was adopted as part of the FY 2000 Legislative Branch Appropriations bill. I am hopeful that the bill I introduce today will make this practice a permanent law. I strongly encourage my colleagues to support the bill, and I urge its approval by the House of Representatives.

TRIBUTE TO VALLEY VIEW HIGH SCHOOL STUDENT SPEAKERS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. BROWN of California. Mr. Speaker, I wish to recognize the achievements of two outstanding young students from my congressional district in Southern California. April Fields and Jamie Gordon from Valley View High School in the City of Ontario have been selected as student speakers for the last graduating class of this century and deserve to be recognized for this laudable achievement.

I am proud of all of my Inland Empire region's graduating students in the Class of 1999, as they represent some of the best and brightest of future generations. I am especially proud, however, of those students, such as April and Jamie, who have risen above adversity and overcome challenges and obstacles that may have threatened to hinder their path to success. I am very proud to represent such fine young students.

Education is the most important foundation we can have for life, and April and Jamie have realized that potential. They have already accomplished a great deal and stand to reap even more success as the years go by. My best wishes to them and hopes for a bright and prosperous future.

HONORING JOSHUA GILLETTE, LEGRAND SMITH SCHOLARSHIP WINNER OF MICHIGAN CENTER, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SMITH of Michigan. Mr. Speaker, let it be known, that it is with great respect for the outstanding record of excellence he has compiled in academics, leadership and community service, that I am proud to salute Joshua Gillette, winner of the 1999 LeGrand Smith Scholarship. This award is made to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

As a winner of the LeGrand Smith Scholarship, Joshua is being honored for demonstrating that same generosity of spirit, intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Joshua Gillette is an exceptional student at Michigan Center High School and possesses an impressive high school record. Joshua's involvement in football, basketball and track began his freshman year and continued through his senior year. He excelled both academically and athletically as President of the Student Council and Captain of the Football and Track Teams. Outside of school, Joshua participated in several volunteer activities to improve the community.

Therefore, I am proud to join with his many admirers in extending my highest praise and congratulations to Joshua Gillette for his selection as a winner of a LeGrand Smith Scholarship. This honor is also a testament to the parents, teachers, and others whose personal interest, strong support and active participation contributed to his success. To this remarkable young man, I extend my most heartfelt good wishes for all his future endeavors.

TIMBER TAX SIMPLIFICATION ACT

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. COLLINS. Mr. Speaker, I rise today to introduce legislation which corrects an inequity in the Internal Revenue Code which affects the sale of certain assets.

Under current law, landowners that are occasional sellers of timber are often classified by the Internal Revenue Service as ''dealers.'' As a result, the seller is forced to choose between a ''lump sum'' payment method or a pay-as-cut contract which often results in an under-realization of the fair value of the contract. While electing the pay-as-cut contract option provides access to capital gains treatment, the seller must comply with special rules in Section 631(b) of the Internal Revenue code. The provisions of Sec. 631(b) require these sellers to ''retain an economic interest'' in their timber until it is harvested. Under the retained economic interest requirement, the seller bears all the risk and is only paid for timber that is harvested, regardless of whether the terms of the contract are violated. Additionally, since the buyer pays for only the timber that is removed or ''scaled'' there is an incentive to waste poor quality timber, to under scale the timber, or to remove the timber without scaling.

The legislation I have introduced will provide greater consistency by removing the exclusive ''retained economic interest'' requirement in IRC Section 631(b). This change has been supported or suggested by a number of groups for tax simplification purposes, including the Internal Revenue Service. I urge my colleagues to join in this tax simplification effort and strongly urge its passage.

PERSONAL EXPLANATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. MANZULLO. Mr. Speaker, on rollcall No. 186, I was unavoidably detained. Had I been present, I would have voted ''yes''.

HONORING KRISTA CARPENTER, LEGRAND SMITH SCHOLARSHIP FINALIST OF HUDSON, MI

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 10, 1999

Mr. SMITH of Michigan. Mr. Speaker, I call this resolution to your attention.

Whereas, it is with great respect for the outstanding record of excellence she has compiled in academics, leadership and community service, that I am proud to salute Krista Carpenter, a recipient of the 1999 LeGrand Smith Scholarship. This Scholarship is awarded to young adults who have demonstrated that they are truly committed to playing important roles in our Nation's future.

Whereas, in being named as a winner of a LeGrand Smith Scholarship, Krista Carpenter is being honored for demonstrating that same generosity of spirit, depth of intelligence, responsible citizenship, and capacity for human service that distinguished the late LeGrand Smith of Somerset, Michigan.

Whereas, Krista Carpenter is an exceptional student at Hudson High School and possesses an impressive high school record. Krista has excelled both athletically and academically, being involved in three varsity sports teams, while being a member of the National Honor Society. Outside of school activities, she has been active in her church, as well as receiving special honors for her involvement in 4–H.

Be it resolved, That as a member of Congress of the United States of America, I am proud to join with your many admirers in extending our highest praise and congratulations as a winner of the LeGrand Smith Scholarship. To this remarkable young woman, I extend my most heartfelt good wishes for all her future endeavors.