SENATE—*Thursday, July 20, 2000*

The Senate met at 9:45 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:

Great is the Lord, and greatly to be praised and His greatness is unsearchable. I will meditate on the glorious splendor of Your majesty.—Psalm 145: 3,5.

Let us pray:

We come humbly and gratefully to draw from Your divine intelligence what we need for today's deliberations and decisions. We thank You for the women and men of this Senate and their staffs who support their work. Help them humbly to ask for Your perspective on perplexities and then receive Your direction. Give them new vision, innovative solutions, and fresh enthusiasm. We commit this day to love and serve You with our minds. Today, when votes are counted on crucial decisions, help them neither to relish victory nor nurse discouragement in defeat but do everything to maintain the bond of unity in the midst of differences and then move forward. This we pray in the Name of the Prince of Peace who called us to be peacemakers. Amen.

PLEDGE OF ALLEGIANCE

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

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. CRAPO. Today the Senate will resume debate on the Agriculture appropriations bill. The Harkin amendment regarding beef is the pending amendment, and it is expected that a vote in relation to that amendment will occur during this morning's session. Senators should also be aware that it is the intention of the bill managers to complete action on this important bill by this afternoon. Therefore, votes can be expected throughout the day.

The Senate may also begin consideration of the conference report to accompany the Department of Defense appropriations bill during this evening's session.

I thank my colleagues for their attention.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. The leadership time is reserved.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. The Senate will resume consideration of H.R. 4461, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and other purposes.

Pending:

Reid (for Harkin) amendment No. 3938, to prohibit the use of appropriated funds to label, mark, stamp, or tag as ''inspected and passed'' meat, meat products, poultry, or poultry products that do not meet microbiological performance standards established by the Secretary of Agriculture.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 3938

Mr. HARKIN. Parliamentary inquiry: Before I start and the clock starts ticking on me, where are we and what time are we operating under right now?

The PRESIDING OFFICER. The pending business is the Harkin amendment No. 3938. There is no time limitation.

Mr. HARKIN. There is no time limit?

The PRESIDING OFFICER. That is correct.

Mr. HARKIN. Mr. President, I am sorry; I was under the mistaken impression that there was a time limit. I stand corrected. I want to talk for a few minutes about the pending amendment.

In some conversations I had last night and earlier this morning previous to coming to the floor, I found that there may be some misconceptions about my amendment and what it seeks to do. So I would like to take the time to try to clarify it.

I did not think there would be opposition to it. It was merely to clarify a situation that has arisen in a court case in Texas. So in the next few minutes I will try, as best I can, to try to outline it and clarify exactly what this amendment is and what it intends to do.

Everyone in the food chain, from the farm on through to the table, has a vital stake in the USDA food safety and inspection system for meat and poultry products. This goes back many years. As the years have evolved, and as our processes for growing, slaughtering, processing, packaging, transporting, and the selling of meat and meat products and poultry products has changed, we have changed the way we do things.

As Secretary Glickman once I think so adroitly explained, the days of poke and sniff have to be over. We need new inspection standards because of the rapidity of the lines, the tremendous increase in the production of meat and meat products, which are good sources of protein for our people and for export. We need the change. So that is what we have done.

But the linchpin in all of this is consumer confidence. Our food safety system must adequately protect consumers. It must assure consumers that their food is safe. If consumers lack confidence in the safety of meat and poultry products, they will not be good customers. That means less demand and lower prices and income for livestock and poultry producers, as well as for our packers and processors.

On May 25, a huge cloud of uncertainty was cast over USDA's meat and poultry inspection system when the Federal district court for the Northern District of Texas held that USDA does not have the statutory authority to enforce its pathogen reduction standards for salmonella in ground beef.

The pathogen reduction standards are a critical part of the new food safety system which was adopted by the USDA in 1996 in the hazard analysis critical control point and pathogen reduction rule. It is otherwise known by its acronym HACCP, something that many of us in the Senate and the House have worked on for many years to bring about.

That system was designed to protect human health by reducing the levels of bacteria contamination in meat and poultry products. I might add that the

HACCP rule was broadly supported by consumer groups, by packers, by processors, by the meat and poultry industry, as being a step in the right direction from the kind of inspection procedures that we had before.

The HACCP and the pathogen reduction rule established a modern inspection system based on two fundamental principles.

First, the meat and poultry industry has the primary responsibility and the flexibility to design plans for producing safe products and then to follow those food safety plans. So the industry has the primary responsibility. And they should have the flexibility to design plans for producing safe products and then to follow those plans. That is the first principle.

The second principle is that the public health is best served by reducing the level of pathogens on meat and poultry products nationwide—a very commonsense principle. To accomplish this, USDA developed pathogen reduction standards using salmonella as the indicator bacteria. These standards set targets that plants have to meet for reducing microbial pathogen levels. If a plant repeatedly fails to meet salmonella targets, USDA may refuse to inspect the plant's products, thereby effectively shutting the plant down until the plant implements a corrective action plan to meet the pathogen reduction standard.

What happened was the district court in Texas held that USDA does not have the statutory authority to enforce its food safety standards designed to reduce pathogen levels in ground beef.

The court stated, in its June 13 final judgment, that the salmonella reduction standard ''is hereby declared to be outside the statutory authority of the United States Secretary of Agriculture and the United States Department of Agriculture to the extent that it allows the Secretary and/or USDA to withdraw or suspend inspection services or withhold the mark of inspection on the basis of an alleged failure to comply with the Salmonella performance standard for ground beef. . . .''

That is the quote from the finding of the district court.

Keep in mind, if USDA cannot withdraw or suspend inspection, it is powerless to enforce the pathogen reduction standards. Refusing inspection is USDA's only enforcement tool. Again, the Texas decision was based on an interpretation of USDA's statutory authority to enforce the salmonella reduction standard.

I am aware there has been a lot of discussion about the legitimacy of the salmonella standard. Is it science based? Does it rationally relate to food safety? Those are legitimate questions to raise. But the court did not even get to those questions. It just ruled that the USDA did not have the statutory authority to enforce its standard designed to reduce pathogenic bacteria.

I believe the American public would be shocked to be told that the U.S. Department of Agriculture does not have the authority, under our meat and poultry inspection laws, to require reductions in microbial contamination of meat and poultry.

If USDA lacks the authority to enforce pathogen reduction standards, then, surely, we stand at the edge of a food safety debacle, a chasm. I am going to repeat that. The American public would be shocked to find the USDA does not have the authority, under our existing meat and poultry inspection laws, to require reductions in microbial contamination of meat and poultry. Think about that.

Frankly, I have my doubts about the reasoning of the court in the Texas case. But the court has held that the USDA lacks this authority to enforce the pathogen reduction standards.

That decision has created an intolerable degree of uncertainty about USDA's authority to ensure the safety of meat and poultry products, not only in Texas but anywhere in the entire United States.

Plainly and simply, all my pending amendment does is to clarify that the USDA has the legal statutory authority to require reductions in pathogenic bacteria in meat and poultry products.

Let me explain why it is so critically important that we clarify this and that USDA has that authority. I have some charts to show that. This chart has some very sobering statistics.

In the United States, according to the Centers for Disease Control and Prevention, foodborne pathogens are responsible for 76 million illnesses, 325,000 hospitalizations, and 5,000 deaths every year.

That is an estimate by the Centers for Disease Control and Prevention.

The economic impact of foodborne illness for the United States is estimated to be $6.6 to $37.1 billion per year. Just to clarify, these statistics include all foods—not just meat and poultry but all foods. Meat and poultry are certainly a substantial portion of the cases; I don't want to mislead anyone. This covers lettuce, tomatoes, fruits, vegetables, and everything else. Again, these are not just illnesses, hospitalizations, and deaths that result simply from the failure to reduce pathogens in the processing and packaging stream. This could come about from mishandling of food at the consumer level, at the purchasing level, storage, miscooking, and inapplicable storage of partially cooked food.

I want to illustrate the dimensions of foodborne pathogens in our country. Again, I am not condemning the meat and poultry industry. I am not trying to frighten consumers. Yet there is no denying that we have much more foodborne illness than we should. Consumers are paying attention. Consumers are concerned about the safety of their food. Again, I come back to the matter of consumer confidence. What industry can build markets if it fails to build confidence in its customers? If you support the meat and poultry industries, as I do, then you also have to support a food safety and inspection system that effectively assures the safety and quality of meat and poultry products.

The second chart shows some of the progress we have made since we established the new pathogen reduction standards which the USDA has been implementing. Salmonella levels on meat and poultry products have fallen. Salmonella rates in ground beef have dropped 43 percent for some of our small plants, 23 percent for large plants. In fact, in the entire United States, only three plants have failed to meet the standard. I think this is strong evidence that the standard works and that it is reasonable. Yet the court in Texas says USDA does not have the legal authority to do what it has been doing to reach these dropping rates in salmonella levels. It says USDA does not have the authority to continue to do that.

The next chart indicates the success of the USDA new food safety system for meat and poultry. This chart shows the rate of foodborne illnesses has fallen from 51.2 per 100,000 people in 1996, when the HACCP rule was implemented, to 40.7 per 100,000 people in 1999. That is a 20.5-percent decrease in total foodborne illnesses in the last 4 to 5 years. That is a major success story in food safety. But now the Texas court's decision has rejected USDA's authority to reduce pathogens on meat and poultry products which led us to this tremendous reduction.

The salmonella standard is not perfect, from what I am told by scientists and others. That is why I have carefully crafted my amendment so it does not codify or lock into place the existing salmonella standard. My amendment would do nothing to prevent changing, improving, or even challenging a pathogen reduction standard. I want to continue to work with producers, the meat and poultry industries, consumers, and the USDA to see that we have science-based, workable performance standards that protect the public health. Again, what my amendment does, and all it does, is to make certain that USDA has the legal, statutory authority to enforce pathogen reduction standards that are critically important to assuring food safety.

I am willing to engage in any colloquies about this amendment. Keep in mind, this court decision was only 2 months ago. Quite frankly, if we don't act soon, I think there is going to be great concern among consumers, customers in the export markets, about our commitment to reducing pathogens, reducing bacteria in our meat, livestock, and poultry products.

We are not trying to lock in a standard. As I said in my opening statement, times change, conditions change. We have to be able to do that. But the authority to do that, as it has been going back probably almost 70 years—80 years almost—the authority for meat and poultry inspection has been with the U.S. Department of Agriculture. To be sure, during most of that time, they were not involved in the reduction of pathogens and bacteria. But with the new changes in how we do inspections, with HACCP, we decided, and the processors and the consumers decided, that we needed to do everything possible to reduce bacteria contamination on our meat and poultry products.

As I said, we have done a great job in that. We have reduced it. We are on our way. Most of the plants in America have met these requirements. They have used HACCP. They have been responsible. Only three plants in the entire United States failed to meet the standard. I think if the court had gotten beyond the statutory problem and gotten to the essence, the substance of it, the court, on the weight of the evidence, would have had to decide that the reduction standard is reasonable. Obviously, if all the plants in the country are doing it and only three have not met it, a reasonable person—and I believe the court is reasonable—would say, obviously, it has to be a pretty decent standard. But the court didn't even get there. They just said, sorry, you don't have the authority, which really has opened up a chasm.

That is why it is so critically important for us to address this issue this year. The only vehicle we have that I can see right now is to do it on the Agriculture appropriations bill, which is a good bill and which I hope will make its way through and be signed by the President. I think it is critically important to give them that authority. That is all my amendment does right now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment, on its face, looks as though the Senate is being asked to vote in favor of supporting the Department of Agriculture's standards for meat inspection that include the power to shut down a plant if it is found that the product being produced contains a contaminant. In the case in Dallas, TX, the Senator cites, it was salmonella.

The plant operated by Supreme Beef in that area was shut down by the Department of Agriculture and, according to testimony in the case in Texas, it was shut down solely on the basis of the fact that the product being produced contained a prohibitive level of salmonella, or some salmonella.

What the court said was that the Department of Agriculture wasn't given that kind of power by the Congress to impose regulations of that kind, and that to shut down a plant there had to be some connection between the operation of the plant and the presence of the salmonella in the product. In other words, if the plant was totally sanitary, obeyed every rule of law or regulation of the Department of Agriculture for safe and sanitary operation, just because of the test, the Department was without the power under the law to shut down the plant.

This amendment—if we adopt it—as suggested by the Senator from Iowa, would impose a new legal authority that is not now present, which would give the Department of Agriculture more power than it has, more power than it has asked for, and, I suggest, more power than we ought to give on an appropriations bill, without more careful review; that is, the power to arbitrarily shut down a plant, whether it is being operated correctly and in a sanitary manner, with all due regard for the product that is being produced, the safety of that product for human consumption.

Because of this court case that puts in question the Department's authority that it exercised in this one case, we are being asked now to say that these standards, which are regulations in effect, ought to be codified; they ought to be put in the form of a law.

Now, that is a step that we, in my view, ought not to take—not on this bill, not as an amendment to an appropriations bill, not on the basis of one district's court's finding in the State of Texas, which doesn't have application and is not being honored by the Department's regulators anywhere else in the United States except in that Federal court jurisdiction.

The Department of Agriculture has not asked for this amendment. I am advised that the Department of Agriculture doesn't support this amendment. The Department of Agriculture has not yet decided whether to appeal this decision of the district court. It may decide to modify its regulations because of this district court decision. So we would be acting prematurely and, in response to the suggestion in this amendment, we would be exceeding even the decision being made now in the Department of Agriculture, or the Department of Justice, which has to prosecute the appeal. So the Department of Justice hasn't decided, I am told, whether to appeal this decision to the court of appeals. The Department hasn't decided that yet. Yet we are being asked to reverse, in effect, by legislation, the decision of that district court.

We are not an appellate court. I suggest that the Senate should not act today favorably on this amendment as if we are reviewing the legal intricacies involved in this case and are making some careful, thoughtful determination about whether or not that case ought to stand or whether it ought to be reversed. I am going to suggest to the Senate that what we ought to do is look at the implications through hearings in the Agriculture Committee or in the committee that has jurisdiction over other food safety concerns. Our Appropriations Subcommittee could conduct hearings—and that might be the appropriate thing to do—and hear from the Department of Agriculture and hear from others who have views on this subject. And then we could make a recommendation to the Senate.

But this is a brand new decision, as the Senator said; it was made, I think, in May. It is a recent decision. We ought to let the legal process work its way to a conclusion with the Department of Agriculture, the Department of Justice, and the packing company involved in this case. They must have had some persuasive evidence to present to the court as to why the Department of Agriculture acted arbitrarily and improperly, or without the sanction of law, to shut down this plant as they did. And here we are going to substitute our judgment collectively for the judgment of the district court judge who heard all the evidence, who saw the witnesses, including Department of Agriculture officials who described what they did and why they did it.

The Senate needs to know that there is a committee that is available to the Department of Agriculture that is called the Advisory Committee on Microbiological Criteria. The Department of Agriculture and the Secretary look to this committee normally for advice and consult on issues of this kind. No consultation, as I understand it, has taken place with this special committee of experts who are brought together for the purpose of providing scientifically based opinions to the Secretary of Agriculture on the question of adulteration and sanitation issues of meat and poultry packing and processing plants.

So let's not pretend that we know as much as this advisory committee. Let's not pretend that we have a better reason for making a decision in this case than the district court did, which found just the opposite of what the Senator is asking this Senate to find. So I am suggesting that this is premature. It is inappropriate for us to legislate in this fashion on an appropriations bill, without the benefit of facts and expert opinions and views on the subject.

So it is my intention, without cutting off anyone's right to speak, to move to table the Senator's amendment and to ask for the yeas and nays on that vote. But I do not want to make that motion right now without notice to my friend and colleague from Iowa or any other Senator who wants to be heard. We had told all Senators they could expect a vote on an amendment on this bill at or about 10:30. I

hope we can keep that commitment to the Senate.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I appreciate the chairman not moving to table right now. I listened as closely as I could, while conversing with my staff, to the comments made by my friend. I hope we can engage in a colloquy on this. We are talking past each other.

Obviously, the chairman had to leave the floor, but I hope we can engage in a colloquy on this because this is a very serious matter. I don't want there to be misperceptions out there.

The Senator from Mississippi just got through saying, more than once, that what we are being asked to do is codify a regulation. I would like the Senator from Mississippi to show where in my amendment it codifies a regulation. It is not there. I challenge my friend from Mississippi to show that. It is not there. I said explicitly in my statement that my amendment does not codify any regulation. It is not there. So if the Senator from Mississippi says that my amendment codifies a regulation, I challenge him to show where and how. I think that is a misperception.

Secondly, again, let's be clear on what we are talking about here. Is it reasonable, I ask, for the U.S. Department of Agriculture, which has the statutory power to inspect meat and poultry products, which it has for many years, is it reasonable for the USDA to also inspect and set some standards for the reductions of packaging bacteria that is on our meat and poultry products?

If the answer to that is no, it is not reasonable, then I guess you could vote to table my amendment because that is where we will be. We will be at a point where what we would be saying is that the U.S. Department of Agriculture should not have any authority to establish pathogen reduction standards nor any authority to enforce them. I suppose they could test them. But they could never enforce them. I think that is what we have to ask ourselves: Is it reasonable for the U.S. Department of Agriculture to set pathogen reduction standards and then to be able to enforce them?

I said in my opening statement, and I say again to my friend from Mississippi, my amendment does not codify any regulation. Yet, if I am not mistaken, I heard my friend from Mississippi state in his comments that we are being asked to codify a regulation. I carefully drafted the amendment not to do that.

If the Senator from Mississippi can show how we codify our regulation, we would be glad to change the amendment. It is not there. That is a misperception. All this amendment says is that the USDA has the statutory authority to both set a pathogen reduction standard and then to enforce it. That does not mean a packer or a processor couldn't challenge those standards as being unreasonable or not applicable. That still can be challenged. Any rule or regulation can be challenged in court.

Let's take the Supreme Beef case, I say to my friend from Mississippi, where the Supreme Beef packing plant had failed the salmonella standard reduction three times. They had failed it three times before the USDA stepped in and withdrew its inspection, thereby basically shutting the plant down.

Again, keep in mind that the plant did not go to court to challenge the standard. They went to court and said USDA doesn't have the statutory authority to set the standard or to enforce it. The court found that USDA did not have that statutory authority. Here is a plant that failed three times to meet the salmonella reduction standard. They had been warned. They knew it.

Keep in mind that a lot of this ground beef from Supreme Beef goes into our School Lunch Program. Go out and tell the parents of America they can send their kids to school and they can eat ground beef in school but we are not going to enforce any bacteria reduction standards such as salmonella in our packing plants. Supreme Beef failed it three times. Now they can fail it four or five times. They will have no standards whatsoever—none, zero, zip—because the USDA will not be able to enforce its salmonella reduction standards.

I think what Supreme Beef should have done was challenge, if they wanted to, the reasonableness of that standard. They could go to court and get a stay to keep operating and then show the court that the standard that was imposed on them by USDA and by which USDA is shutting down their plant by refusing inspection is unreasonable, unwarranted, and inapplicable. Fair enough; let them do that. But they cannot even get there because they said USDA doesn't have the authority to do it.

That is where we are. If we take no action, that is where we are. Supreme Beef can go ahead and keep right on operating. They don't have to worry about any salmonella reduction. They can keep pumping that food right into the School Lunch Program.

The chairman indicated that there is a USDA scientific advisory committee that may review this standard this fall. I welcome that. Nothing in my amendment would prevent changes based on those recommendations. Nothing in this amendment would do that.

Again, one has to ask oneself, should the USDA have the authority under the HACCP program to issue pathogen reduction standards and then to be able to enforce those?

Again, I go back to my chart. Since the pathogen reduction standard for salmonella went into effect in 1996—it is so prevalent and makes people pretty sick—rates in ground beef dropped 43 percent in our smaller packing plants and 23 percent in our larger plants.

That is success. That is why plants all over America have not challenged this in court. They seem to be doing quite well with it. Only three plants in the entire United States have failed to meet this standard—three—Supreme Beef, of course, being one of them.

As I said, since the HACCP rule was implemented in 1996, 51.2 foodborne illnesses per 100,000 people went down to 40.7. It is working. Yet because of one plant in Texas that decided to thumb its nose at the salmonella reduction standard—obviously, they had a good attorney—they went to court and said USDA does not have the authority either to set the standard or to enforce it. The court said: You are right, they don't, because Congress never gave them that authority.

I want to clear up one other thing. I am told the USDA is not opposed to this amendment. They are not taking a position because of pending litigation because they are in the courts right now because of this pending litigation.

The USDA has a charge to ensure lower bacteria counts. Again, it is not the power to arbitrarily shut down a plant because of the appropriateness of a specific USDA standard. The standard is still subject to review by a court. I want to make that as clear as I can.

No. 1, I challenge my friend from Mississippi to show me how my amendment codifies the regulation. I challenge my friend to show that. He has said that. I have carefully drafted it so that it does not codify any regulation. The regulations can change. The advisory committee can meet. Maybe they want to change these standards—I am speaking here regarding this amendment—but I don't know why they would want to change a standard that has been so successful, by which every packing plant in America today is abiding, except three, one of them being Supreme Beef that brought this case.

It is not that technical. All we are doing is asking, through this amendment, to give USDA the authority to set the standard and enforce it—not what standard. This amendment does not give the USDA the authority to set a standard that I specify and to enforce that standard. It says to set pathogen reduction standards and to enforce them. Obviously, if they set a standard that is unreasonable, inappropriate, and inapplicable, that can be challenged in court. They can be challenged in the rulemaking process. That is the way it is done.

But if we continue as we are right now, there is no reason for any plant in America to abide by these salmonella reduction standards because USDA has

no authority to enforce them. They could go into a plant and say: Gee, you know, you are right above salmonella; that is above our standard. The plant can say: So what. Get out of here. We don't have. I don't think that is what the American people want or the American consumers want. I don't believe it is what the vast majority of packers and processors in America want. They want the public to have the highest level of confidence that their meat and poultry and meat products and poultry products are wholesome and without bacterial contamination.

It is too bad because of one bad actor—one plant in Texas that failed three times to meet the standard, and on the fourth time, after having clear warnings, the USDA came in and withdrew the inspection, which effectively shuts down the plant—we have to throw the whole system out and say the USDA does not have the authority. That can open the floodgates for plants all over America.

I say to my friend from Mississippi, there is no codification of any regulation, none whatever. It is only giving the USDA the authority under which it has been operating for 4 years, which has been successful. Only three plants in America have failed to meet standards. I think that is a good success story. I don't think we ought to not give the authority to the USDA to continue on this pathway simply because of one bad actor in Texas and because of the fact that we failed in our statutory deliberations and in our statutory approach to give the USDA this authority. I am not pointing the finger at anybody.

We should have at some point statutorily given the USDA this authority. We did not do so. That is what this amendment seeks to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi

Mr. COCHRAN. I move to table the Harkin amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to a motion to table amendment No. 3938. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

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

The result was announced—yeas 49, nays 49, as follows:

[Rollcall Vote No. 218 Leg.]

YEAS—49

Allard	Brownback	Collins
Ashcroft	Campbell	Craig
Bennett	Chafee, L.	Crapo
Bond	Cochran	DeWine
Domenici	Jeffords	Sessions
Enzi	Kerrey	Shelby
Frist	Kyl	Smith (NH)
Gorton	Lincoln	Smith (OR)
Gramm	Lott	Snowe
Grams	Mack	Stevens
Gregg	McCain	Thomas
Hagel	McConnell	Thompson
Hatch	Murkowski	Thurmond
Helms	Nickles	Voinovich
Hutchinson	Roberts	Warner
Hutchison	Roth	
Inhofe	Santorum	

NAYS—49

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

NOT VOTING—1

Bunning

The motion was rejected.

Mr. COCHRAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the amendment?

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

AMENDMENT NO. 3995 TO AMENDMENT NO. 3938

Mr. COCHRAN. Mr. President, I send an amendment to the amendment to the desk and ask it be reported.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 3955 to amendment No. 3938.

On page 2 of the amendment: Strike ''established by the Secretary'' and insert in lieu thereof: ''promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods and that are shown to be adulterated''.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, this amendment states that the microbiological standards imposed by the Secretary of Agriculture, in situations involving those described by the amendment of the Senator from Iowa, must be imposed pursuant to the Administrative Procedures Act and be subject to notice and comment procedures under that act.

It additionally requires the Secretary, in instances involving contamination of meat and poultry products that are subject to inspection and plant inspection by the Secretary, to seek the advice of the National Advisory Committee on Microbiological Criteria for Foods. This is a panel of scientists, with members appointed by the Secretary of Agriculture. The purpose of the panel is to provide advice and counsel on matters of this kind from experts to the Secretary of Agriculture.

We understand that this panel has not had an opportunity to make recommendations or observations about the standards that are the subject of these USDA regulations that were litigated in this court case because the Department of Agriculture decides when they meet, and it is my understanding that the next meeting is scheduled for the fall. There has not been a special meeting called. And the issue has not been placed on the agenda.

If my amendment is adopted, the Senate would suggest to the Secretary that this issue ought to be presented to this panel of expert witnesses and the advice of that panel sought in this situation.

The Department of Agriculture has indicated that it does not support the Harkin amendment. The Senator said that it has decided to take no position on the amendment because it involves a case that is subject to judicial proceedings at this time.

To remind Senators, this is a court case the Senator is asking be reversed by the Senate. The time for appeal has not yet expired. The Department has not decided whether to appeal. The Department of Justice has not made a recommendation, as I understand it, whether it thinks an appeal should be prosecuted or not. They may decide this court was right and then come to the Congress to ask for additional authority, and the Congress may very well decide to give the Department additional authority.

But the adoption of this amendment, without suggesting the Department needs to consult first on modifying its standards with an expert panel, that was created for the purpose of providing information, would be premature also.

So we hope the Senate will adopt this modification to the Harkin amendment. The vote on the motion to table was a tie vote, and therefore the motion failed. We could let the Senate vote on the amendment of the Senator from Iowa without any further amendment. And if there is another tie vote, the amendment would fall.

But in order to try to resolve the issue, for the moment, my suggestion is that the Senate should adopt this amendment, putting in the extra provision of consultation with the National Advisory Committee on Microbiological Criteria for Foods, and suggest that, if this standard is given the force and effect of law, there must be some connection between the contaminated product and unsanitary conditions or the way in which the processing plant was being operated in

order to justify the Department withdrawing its inspectors and therefore closing the plant.

We want to continue to ensure—and this ought to be clear—that our Nation's food supply is safe; that it is processed in the most sanitary conditions possible; that it is inspected to ensure that the food is safe for human consumption, all of that will continue to be reflected in the adoption of this amendment.

What we add is that scientific advice and counsel be sought by the Department of Agriculture on this subject with respect to this standard that has been thrown out by a court. If it can be modified to ensure that we continue to see the force and effect of the standards enforced by the courts, then that is what we would like to see happen. We would like it to be done in a process that gives respect for the power of a court and the judicial process that is in place but also the prerogatives of the Congress. The Congress has not empowered the Department of Agriculture to issue a standard of the kind the court said it could not enforce. That is a point to remember, too. The adoption of the Harkin amendment would give that power legislatively, give that power to the Secretary of Agriculture without a careful review of the implications of that new power by the Congress.

I am hopeful that this will resolve the issue for the time being, for today. The legislative committee has a right to look at it, to have hearings, to propose changes in the authorities the Department has in situations such as this. That would be the appropriate way to resolve the issue for the long term. But for today, I am hopeful the Senate will agree to this amendment, maybe on a voice vote, and then we can adopt the amendment of the Senator on a voice vote and proceed to other issues.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection it is so ordered.

REMEMBERING SENATOR PAUL COVERDELL

Mr. VOINOVICH. Mr. President, I rise today to pay tribute to Paul Coverdell, our friend and colleague. Paul was an extraordinary human being who really cared. He looked at his opportunity to serve in the Senate as a way to make a difference in the lives of his fellow man.

I will never forget Paul Coverdell. He was one of the first people who reached out to me when I first came to this body, greeting me with a warm welcome and caring advice. Although he was in leadership and had many demands on his time, he always had time for me and truly listened to what I had to say. He had common sense and a common touch. I have truly enjoyed working with him on several legislative initiatives, particularly education and the Ed-Flex bill we passed last year.

Paul had a wonderful knack for being able to work with people and to get things done. He led by example. He understood that to be a leader one had to serve. There was no job so small that he would not take it. His commitment and ability always made you want to be on his team. His enthusiasm was contagious. He made you feel good just being around him.

My regret is that because of my short tenure in the Senate, I did not get to know Paul or spend as much time with him as many of my colleagues.

He gave witness to his Christian faith every day. He will continue to be my role model in the Senate. Paul Coverdell will be missed by all of us, but my faith tells me that he is eternally happy with our Father in Heaven. I pray that thought will give comfort to his wife Nancy and the members of his family.

Mr. LEAHY. Mr. President, as have so many of my colleagues, I speak with a sense of loss and sadness about the passing of our friend, Paul Coverdell. Over the years serving in the Senate, I have seen too often the flowers on a Senator's desk and known, by that unique tradition of our body, the reflection that we have lost somebody in an untimely fashion—no one more untimely than the Senator from Georgia.

I have had the honor to serve with many Senators during the time the people of Vermont have been kind enough to let me be here. Each of these Senators has brought special qualities. It might be a knack for fiery oration or professorial intelligence. But Paul Coverdell brought a special formula of kindness and quiet persistence.

I first knew Paul when he was director of the Peace Corps. I was chairman of the Foreign Operations Subcommittee which handled his budget. I recall times when there would be an issue that would come up of some contention. I remember President Bush calling and saying: Pat, sit down with Paul. I assure you you can work it out.

We would sit quietly in my office. We would go over the issues, and we would work it out. We would work it out because I knew that Paul Coverdell would keep his word; he knew I would mine. I also knew that neither of us would read about the intricacies of our agreements in the paper the next day. We would keep each other's confidence.

When he came to the Senate, he was first and foremost a tireless champion for the interests of the people of Georgia. We all remember his relentless advocacy for some of the military bases in his home State and how proud he was to represent the State that hosted the Olympic games in 1996. In that regard he entered the sometimes messy realm of appropriations to bring full Federal support to that gigantic effort.

In many ways, these efforts were an embodiment of the people of Georgia, possessing a boundless energy, ambition, and generosity.

What I remember most, though, about Paul Coverdell—and so many of our colleagues have said the same thing—is how he worked on everything with a paradoxically quiet energy. He was not one to seek the cameras and head to the floor to yell about every disagreement. If he had a disagreement, he would call you. He would go and work with you face to face. He was often convincing. I know he changed my mind on issues.

I think one of the reasons he was so convincing is that he was always open-minded and attentive. I don't think there is any case more obvious about that than the Senate's recent consideration of the supplemental appropriation for antidrug assistance in Colombia.

There were many disagreements on this aid package. But everybody, whether they were on his side or on the opposite side, admired the strength of his conviction and the depth of the knowledge of the region.

I was privileged to work closely with him on a resolution on a recent presidential election in Peru. Senator Coverdell and I believed strongly that it was important for the United States to send a strong message throughout the hemisphere in support of democracy and to condemn the blatant subversion of democracy by the Fujimori government. Again, it was the strength of Paul's convictions and willingness to stand for the most important principles this country stands for. That is why the resolution was there.

Our mutual concern for international human rights extended to the effort to establish a global ban of antipersonnel landmines. I was so pleased to work with Paul on this issue. He would always consider my proposals thoughtfully and thoroughly. He brought a very special perspective. For him, banning landmines was about protecting Peace Corps volunteers and the communities they served. He had this unique way of looking at an issue that went way beyond warring parties. He was concerned about innocent civilians.

Paul took part in these debates and he worked behind the scenes with a big-hearted kindness. He was one of the kindest people to grace this floor, and there was a certain peacefulness about him that was always pleasantly contagious. In a sometimes very divisive

Senate, that peacefulness was so respected.

That is why when I look at the flowers, like many of us who have served here a long time, I think we have seen those flowers too often. But it is hard to think of a time when both Republicans and Democrats have felt the pain more than on this occasion. Paul, we will all miss you.

I yield the floor.

Mr. KENNEDY. Mr. President, all of use are saddened by the death in our Senate family. I join Senators on both sides of the aisle in mourning the loss of our colleague and friend, Paul Coverdell, and I extend my deepest condolences to the members of his family.

Senator Coverdell and I differed on many of the major issues of the day. But it was obvious to all of us who served with him that he was a leader of genuine conviction, deep principle, great ability, and high purpose.

His commitment to public service was extraordinary. It was always a privilege to work with him.

I especially admired his dedication to seeking common ground—to exploring every aspect of every issue, and to learn as much as possible about it—to going the extra mile to achieve worthwhile compromise instead of confrontation—and above all to finding practical answers to the many serious challenges we face together in the Senate.

He was deeply committed to enhancing the qualify of life for all Americans. We both shared a strong commitment to improving education in all of the Nation's schools. I'm saddened that he will no longer be with us as the Senate turns again in coming days to the important debate on support for elementary and secondary education in schools and communities across the country.

I also particularly admired Paul Coverdell's leadership role as Director of the Peace Corps in the Bush administration from 1989 to 1991, before he came to the Senate.

Over the years, the Peace Corps has had special meaning for all of us in the Kennedy family, because it is one of the finest legacies of President Kennedy. I know that my brother would have been proud of Paul Coverdell's commitment to the Peace Corps and its ideals and its service to peoples in need in many different lands.

In a very real sense, the campaign slogan that Paul Coverdell used so effectively in his successful Senate reelection campaign in Georgia 2 years ago sums up his extraordinary career, and tells why he had so much respect and friendship from all of us. That slogan consisted of two simple words—''Coverdall Works.'' And it was true, in every sense of the word. Paul Coverdell served the Senate well, the Nation well, and the people of Georgia well, and we will miss him very much.

Mr. MOYNIHAN. Mr. President, Howell Raines, Editorial Page Editor of The New York Times has written a warm and wonderful tribute to Paul Coverdell, recalling his career in the Georgia State Senate in the 1970s. It is part of his life story that is not widely known here in Washington—certainly not by me—and helps to account for the great affection and respect in which he was held here in the United States Senate.

Withal this adds a touch to our mourning, we are much indeed indebted to Mr. Raines memoir.

I ask unanimous consent that the ''Editorial Notebook'' from this morning's New York Times be printed in full in the RECORD.

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

[From the New York Times, July 20, 2000]

A QUIET MAN IN A NOISY TRADE

(By Howell Raines)

PAUL COVERDELL'S LEAP TO THE SENATE MARKED A SHIFT IN SOUTHERN POLITICS

Senator Paul Coverdell of Georgia was a mild-mannered Republican seasoned in political obscurity. As minority leader of the Georgia State Senate in the 1970's, he was part of a legislative bloc so small and impotent that it was ignored, steamrolled and sometimes openly ridiculed by the Democrats who controlled the legislature as if by birthright. None of us covering the Georgia Capitol in those days would have picked Mr. Coverdell, who died Tuesday at age 61, as a future United States senator. Now, in retrospect, we can see him as part of the second of two transforming waves that swept Georgia politics in the last third of the 20th century.

The first wave of change was driven by law. The Voting Rights Act of 1965 brought hundreds of black Democrats into office. The second wave of change was demographic, as exemplified by fast-growing Atlanta. Georgia's progressive Democrats had long dreamed of the day when Atlanta would be big enough to outvote the state's rural conservatives. What they had not foreseen was that thousands of the newcomers flooding into the Atlanta suburbs would be out-of-state Republicans who rejected both the Democratic power structure and the Goldwater Republicans then in control of the Southern G.O.P.

They created a ready-made constituency for Mr. Coverdell, a classic mainstream Republican who was fiscally conservative yet moderate on social issues. ''That was what made the Republican Party attractive to these people who came in,'' said Bill Shipp, a veteran political commentator from Atlanta. ''Until Coverdell and Johnny Isakson [another Atlanta moderate] came along, Georgia Republicans were disgruntled segregationist Democrats.''

Unlike the sprinkling of ultraconservative Republicans elected during the Goldwater boom, Mr. Coverdell was not hostile to black aspirations. Indeed, by the time he left the Georgia Senate in 1989, he had gained enough influence to make his mark as a reliable legislative advocate for Atlanta's black mayors. He was known as a policy wonk and a nice guy, traits that would mark his service as director of the Peace Corps under President George Bush. He worked hard in that position to promote a program that is unpopular with many Republicans because of its identification with President John F. Kennedy.

A similar earnestness would mark Mr. Coverdell's career in the United States Senate, but he did not get there by wearing a halo or emphasizing his credentials as a moderate. He won his seat from Wyche Fowler, a Democrat popular with liberals, by running to the right, especially on the abortion issue.

It is, of course, always tricky to define political moderation among Southern Republicans. By any measure, Mr. Coverdell, a big booster of tax cuts and school vouchers, was plenty conservative. Lately he had grown close to Trent Lott, the Senate's tough-guy majority leader. But his primary alliances were with less hard-edged types like President Bush and his son George W. Bush, the Texas governor. He helped plan the coming Republican Convention. In the event of a Republican victory, according to Senator Max Cleland of Georgia, a Democrat, Mr. Coverdell, ''would have played a big role in a Bush administration, in the cabinet or as a special adviser.'' But in a region that still tends to celebrate pols who are loud and flashy, Mr. Coverdell will be remembered for his general decency, his serious interest in good government and his unlikely leap from the back benches of the Georgia Capitol.

Mr. HOLLINGS. Mr. President, I rise today to remember our friend Paul Coverdell. The state of Georgia and the United States have lost a talented and dedicated statesman.

Senator Coverdell's workmanlike approach to government was a breath of fresh air in today's atmosphere of glamour politics. He didn't aspire to be in the spotlight, but he fought tirelessly to spotlight the issues in which he believed. Whether you agreed with his position on those issues or not, you admired his style—his lack of pretense, willingness to complete tedious, but important tasks, and pleasant demeanor during a tough debate.

His office was one floor above mine in the Russell Building and we often rode the subway together over to the Capitol. His easygoing nature always struck me as particularly Southern. We shared a love for that slow, gracious lifestyle of our home states and enjoyed working together when it served the similar needs of our constituents.

Paul had a deep appreciation for the office of U.S. Senator having persevered in his quest for a Senate seat in 1992 despite a highly-competitive race that featured two runoffs. For the next eight years, he never took the privilege of serving the people of Georgia or the nation lightly. We can all learn something from his example.

Service was an evolving theme in Paul Coverdell's life, beginning with an overseas stint in the U.S. Army, later followed by almost two decades in the Georgia state Senate and a post in President Bush's administration as Director of the U.S. Peace Corps. He was well-prepared when he arrived in the Senate chamber and used his experience to advance an aggressive legislative agenda. It was a pleasure to serve

in the U.S. Senate with Paul Coverdell. He fought fairly, was gracious in victory and honorable in defeat.

My sympathy goes out to his wife, Nancy, and other family members and to the people of Georgia.

Mr. LAUTENBERG. Mr. President, I rise to pay tribute to the senior Senator from Georgia, Paul Coverdell, who passed away Tuesday in Atlanta.

While Senator Coverdell and I came from different political parties and ideologies, we shared several things in common. We both served our country in the U.S. Army, and after our service we both returned home to run successful businesses.

With our military and business background we decided to turn our attention to serving the public, and Senator Coverdell had an impressive record of public service.

Senator Coverdell served in the Georgia State Senate—rising to the position of minority leader. He then served as Director of the Peace Corps under President Bush, focusing on the critical task of serving the emerging democracies of post-Soviet Eastern Europe. In 1992, he was elected to serve in the United States Senate.

Although we failed to agree on many issues before this body, Senator Coverdell always demonstrated honor and dignity in this Chamber. He argued seriously for the positions he believed in. When he pushed legislation to fight illegal drugs or promote volunteerism, it was obvious that his heart was always in it. And his motivation was sincere and simple—to help the people of Georgia and the Nation.

I send my deepest sympathies to his wife Nancy, his parents, and the entire Coverdell family. I also extend my sympathy to the people of Georgia.

We will all miss Senator Paul Coverdell of Georgia.

Mr. L. CHAFEE. Mr. President, I rise today to express my sympathy to the Coverdell family and my own sorrow at the death of Senator Paul Coverdell. May his family find solace in their memory of Paul's many contributions to a better Georgia, a better United States, and a better world. I followed Paul onto the Foreign Relations Committee and also into his chair of the Western Hemisphere Subcommittee. I will do my best to carry on your good work there, Paul.

As many people have said, Paul Coverdell was a gifted communicator. To every organization those skills are valuable and especially here in Congress. Perhaps Paul learned those skills at the prestigious Missouri School of Journalism from which he graduated. But I suspect, despite having known him only a short time, that Paul's easy manner and obvious kindness were inherent traits. He was a natural communicator and we mourn his loss.

Once again, my heartfelt sympathy to Nancy and all of Paul Coverdell's family and friends.

Rest in peace.

Ms. COLLINS. Senator Paul Coverdell was a rare and wonderful man—and a spectacular Senator. Anyone who had the good fortune to work with him left more hopeful, more committed, more convinced we could all make a difference.

Much is being said about his extraordinary ability to get things done; I would like to talk about how he was able to accomplish so much. Senator Coverdell had many talents, but perhaps the secret to his success was high ability to bring people together. In times of friction, fractiousness, and pressure, he was always the one who remained focused and calm in the eye of the legislative storm.

It was a common for him to hold meetings in his office where conservatives and moderates, strategists and ideologues, listened to each other, shared ideas and figured out not just ways of accomplishing diverse goals, but also what those goals really should be. And his energy and willingness to take on the most difficult task with little public recognition or thanks was legendary.

Senator Coverdell was a man who listened. He listened to Senators and staff and policy experts. He listened to those he agreed with and those he didn't—and merged it all into a comprehensive, concise and workable plan. He respected all individuals with an honesty and sincerity that set the tone for working together.

Most of all, and through it all, Senator Coverdell was kind and gracious in his dealings with everyone. The country, his state, and all of us who have been privileged to know him will miss him terribly. We join in praying for his family as they suffer his loss. We have all lost a very good friend.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001—Continued

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

Mr. REID. Objection.

Mr. COCHRAN. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. McCAIN. Mr. President, at the appropriate time I intend to propose an amendment. I will be glad to discuss it at this time. Perhaps the Senator from Nevada could clarify for me when it might be appropriate.

Mr. REID. Mr. President, when Senators VOINOVICH and LEAHY took the floor, the purpose was to allow them to speak about our dearly departed friend. At the time the quorum was called for, we were trying to resolve this issue that was on the floor—the Harkin amendment and the second degree by the manager of the bill. We are almost ready to do that. I was asked by the Senator from Iowa to hold things up until that was resolved. That is why I offered the objection. We should be in a position soon to move forward, but I think the Senator should go ahead and speak.

Mr. McCAIN. Mr. President, is it the desire of the distinguished manager, the Senator from Mississippi, that I go ahead and discuss the amendment or wait until a resolution of the pending Harkin and Cochran amendments?

Mr. COCHRAN. Mr. President, I have no objection to the Senator proceeding. I think it would expedite the proceedings of the Senate if he would discuss his amendment.

Mr. McCAIN. I thank the Senator.

Mr. President, I am prepared to enter into a time agreement on this amendment. Whatever is agreeable to the Senator from Mississippi and the Senator from Wisconsin would be fine.

I will be proposing an amendment, joined by Senators GREGG and SCHUMER, that will stop the Federal Government from wasting taxpayers' dollars on an unnecessary and outdated sugar program that costs consumers as much as $2 billion in inflated sugar prices.

I ask unanimous consent to have Senator LUGAR added as a cosponsor of this amendment.

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

Mr. McCAIN. The amendment is simple. It withholds funding for the costly Federal sugar program for fiscal year 2001.

Mr. President, my colleagues and I are here today to say enough is enough. The American taxpayers have subsidized the sugar industry, with price support loans and strict import quotas in various forms, since 1934. Each year American taxpayers pay close to $2 billion in artificially high sugar prices and this year paid an additional $60 million to bail out sugar producers facing massive loan defaults.

We're not here today to dispute the choice of sugar as a consumer product. Most Americans buy some type of sugar product on a daily basis—a can of soda or a candy bar—and most Americans buy various types of sugar products every time they shop in a supermarket. What we object to, as consumers purchase these products, is that the federal government is unfairly overcharging them.

The sugar program has outlived other agricultural commodity subsidies that have since been phased out through past farm bills. However, the retention of this flawed program has not been dictated by common sense or sound economics, but political influence.

Originally, the sugar program was intended to prop up sugar prices to ensure a profit for sugar farmers. Unfortunately, the higher prices result in

the usual ''trickle-down'' effect. Food companies have to pay the higher price for sugar, which is then passed on in the form of higher prices for sugar products. The average consumer ends up paying the cost of sugar subsidies in the grocery store.

Let me take a few moments to explain why federal assistance for the sugar program should end.

First of all, it is unfair to American consumers. A recent GAO report confirms what we have known all along, that American consumers pay close to $2 billion each year in inflated sugar prices. Mandatory price quotas are imposed on American-grown sugar at roughly 22–24 cents a pound compared to 6 cents a pound for sugar grown in other parts of the world.

This past year, in 1999, U.S. sugar prices were four times higher than the world price.

The benefits of the sugar program are hopelessly lopsided. Approximately 42 percent of all sugar program benefits go to 1 percent of growers. These are not small family farmers, but big sugar tycoons who obtained millions through this federal subsidy. Four sugar cane companies in Florida received more than $20 million. One grower receives close to $65 million annually from this subsidy. About 30 sugar growers were also able to collect one million each from this subsidy. That is not small business; that is not a small farmer.

Mr. President, these sugar growers—and I will be naming them and identifying them—have been incredibly generous politically. They have been heavily involved in contributing to both parties in very large amounts of money.

Second, the federal sugar program is anti-free market and anti-free trade. The sugar program severely limits imports of lower-priced foreign sugar into the American market so farmers can make a profit through higher prices.

The end result, unfortunately, is that this overpricing has caused an overproduction of sugar. This excess supply of sugar drives prices below the guaranteed price level. This type of policy is absurd and has damaged our credibility in the world market.

Large-scale sugar growers in Florida contribute directly to the devastation of the Everglades wetlands through increasing sugar cane production. Again, high sugar prices lead to overproduction of sugar. Florida's sugarcane industry is situated near one of America's most pristine freshwater lakes. The direct conversion of sensitive wetlands to sugarcane production and the accompanying agricultural runoff flowing into the Everglades have a direct impact in the decimation of one of America's most treasured ecosystems.

For years, sugar cane producers were able to resist and avoid any responsibility for cleanup. The small portion they are now required to pay for cleanup hardly makes a dent into the billions estimated for restoration of the Everglades.

Who makes up the difference in these costs? Again, the taxpayers make up the difference by paying nearly a third of the restoration costs.

I have spent a fair amount of time in the State of Florida. There is a growing, deep, and very legitimate concern about the Everglades. There is no doubt that the flow of pesticides into the Everglades is directly related to sugarcane growing and has had a direct impact on the ecology of that very fragile ecosystem which is an American treasure, not just a Florida treasure. We should at best not subsidize people who engage in the growing of sugarcane which causes direct damage to one of the most beautiful spots in all the world.

Finally, American taxpayers had to pay for a multi-million bail out for sugar processors who did not meet their loan obligations. Earlier this year, the administration spent $60 million to purchase more than 150,000 tons of surplus sugar to prevent mass forfeitures.

Why are taxpayers bearing the brunt of these defaulted loans? Because a fundamental flaw in the federal sugar policy allows sugar producers to forfeit their crops to USDA if the market price falls below the loan rate. Sugar producers turn over excess sugar to USDA, keep their loan money and the federal government has to absorb the loss. In other words, if sugar producers are unable to sell their sugar, the federal government promises to buy all the sugar they produce.

Often, forfeited sugar is sold at a substantial loss to the federal government. The federal government has no options under the existing sugar program—if the government does not spend millions buying excess sugar, it loses out anyway as sugar processors default on their loans and are not required to pay back to the federal government. With a surplus of sugar in the world market, the federal government will not be able to sell this excess unwanted sugar. It's a double-whammy.

Mr. President, these forfeitures are a direct cost to the American taxpayers.

And, even worse, this may be only a foreshadowing of a tidal wave yet to come. The federal government may be forced to spend millions more in purchasing additional sugar if the sugar industry has their way. The big sugar lobby is already pressuring USDA to purchase more sugar at a cost of $100 to $500 million on further sugar bail-outs before the end of this year.

How is this absurdity allowed to continue?

Mr. President, the answer is clear. The sugar program is alive because of well-financed sugar interests, or the ''Iron Triangle'' of the commodity world. Sugar interest represent one of the highest soft money contributors nationwide.

Between 1995 to 1999, the sugar industry contributed more than $7 million in soft-money contributions, more than any other commodity group. In 1999 alone, the sugar industry contributed $1.5 million in soft-money contributions to both sides of the aisle. The famous Fanjul family of Flo-Sun sugar industries, known as the ''First Family of Corporate Welfare,'' are among the most generous benefactors in soft money contributions. Sugar interests are cashing in at the register at the expense of consumers, and turning that profit into political influence to keep their stronghold on this federal subsidy.

Before I conclude, I want to highlight several commentaries about the sugar program in a few prominent media programs and articles.

Fallacies of the sugar program earned special coverage as part of a ''Fleecing of America'' segment on NBC's ''Nightly News with Tom Brokaw.'' During this segment, Art Jaeger from the Consumer Federation of America claims, ''the program gives too little money to the farmers who need the help, too much money to farmers who don't need the help.''

ABC World News Tonight highlighted sugar subsidies as part of its ''Its Your Money'' segments, telling all Americans that maintaining the sugar program is a way ''to guarantee that even more farmers will take advantage of this sweet deal, producing even more sugar, meaning more taxpayer bailouts.''

The Center for Responsive Politics touts the sugar program as ''white gold'' for sugar producers and characterizes it as the ''Energizer Bunny of U.S. government policy,'' It keeps going and going with no end in sight.

The Center for International Economics stated that the ''U.S. Sugar Program does not sit comfortably as part of U.S. trade policy. High sugar protection harms the credibility of U.S. initiatives for freer trade.'' The World trade Organization has pointed out its inefficiencies. The World Bank has dedicated consideration attention to the high costs of U.S. sugar policies.

The National Center for Public Policy Research concluded that the sugar program was ''one of the federal government's most ridiculous programs'' and should be ended.

In a recent USA Today editorial, advice was offered to politicians—''Repeal this sweetheart deal before another crop of unneeded sugar gets planted.''

The Coalition for Sugar Reform also supports elimination of this costly program. The Coalition represents such groups as Citizens Against Government Waste, Everglades Trust, Consumers for World Trade, and the United States Cane Sugar Refiners' Association.

In a letter of support for ending the program, the Coalition states the amendment we are offering today ''will finally compel change in a program that can no longer be sustained or justified.''

What more evidence do we need to end this lop-sided sugar policy? Why should the federal government and American taxpayers be expected to continue support for this program that is running rampantly out of control and clearly violates free market and free trade principles?

Mr. President, I want to make clear once again—today's vote is important to protect American consumers and taxpayers.

The recent million-dollar sugar bailout is the final straw that will break the camel's back for this failed program.

I would like to quote from the New York Times editorial of July 14, 1997.

A combination of import restrictions, guaranteed prices and subsidized loans keeps sugar prices artificially high, roughly twice the level in other countries, and thus transfers about $1.5 billion a year from consumers to a handful of large sugar growers. Almost half of the benefits from the sugar program go to little more than 1 percent of growers. The high prices act like a tax on food, hitting hardest at poor families who typically spend a large fraction of their budget on food and other necessities. If the Schumer-Miller proposal passes, sugar prices could fall 20 cents for a five-pound bag.

The sugar growers justify their subsidies as needed to counter foreign-subsidized imports and to protect the jobs of domestic workers. Neither argument withstands scrutiny. There are ample rules to prevent foreign countries from ''dumping'' government-subsidized sugar in United States markets. Also, by propping up raw sugar prices, the program has driven half the United States sugar refiners out of business or out of the country, taking jobs with them.

There is a second, powerful reason to eliminate sugar subsidies. They breed excessive production of sugar cane in environmentally sensitive areas. In the Florida Everglades, about a half-million acres of wetlands have been converted to sugar cane production. Excessive sugar cane production has interrupted water flows and contaminated the Everglades with polluted agricultural run-off.

Mr. President, I ask unanimous consent that the New York Times editorial and the Wall Street Journal article of April 27, 2000, be printed in the RECORD.

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

[From the Wall Street Journal, April 27, 2000]

BIG SUGAR SEEKS BAILOUT, GIVES MONEY TO HELP GET WAY

(By Bruce Ingersoll)

WASHINGTON.—Never have old hands at the Agriculture Department seen such a turnout: 11 U.S. senators trooping into Secretary Dan Glickman's office to lobby for a big sugar-industry bailout.

''When you have 11 senators showing up,'' says Florida sugar-company executive Robert Buker, ''that's horse-power''—enough power, he believes, to push an ambivalent Clinton administration into an unprecedented market intervention to bail out distressed U.S. sugar producers.

The producers are floundering beneath a market-depressing glut of sugar. Comes October, they face another problem: a ten-fold jump in Mexican sugar imports. The federal sugar-loan program, which has cosseted them for nearly two decades is suddenly in danger of imploding.

So, to shore up the domestic market, sugar lobbyists are imploring administration officials to authorize a bold sugar-buying spree. Only by spending $100 million now to buy sugar and boost market prices, they contend, can the government hope to head off a much costlier wave of sugar-loan forfeitures later this summer, in the midst of an election campaign.

Fighting the sugar lobby at every turn is a well-financed alliance of consumer groups, candy makers, confectioners and other major users of sweeteners. Their vision of the sweet hereafter is a deregulated sugar industry, and they want the administration to let the market sink. Says Jeff Nedelman, spokesman for the Coalition for Sugar Reform: ''The whole house of cards is starting to collapse.''

The government has long managed to keep U.S. sugar prices far above the world price, largely by curtailing imports of lower-cost sugar. That benefits producers, obviously, though it also means consumers get stuck with a price-support tab—estimated at more than $1 billion a year—in the form of higher sugar, candy and soft-drink prices.

But in recent months, due to rising sugar plantings and improving yields, prices have fallen below the guaranteed price-support levels of 18 cents a pound for raw cane sugar and 22.9 cents for refined beet sugar. Lately, price are up a little in anticipation of a bailout. Under the loan program, sugar processors who put up sugar as collateral are entitled to forfeit their crop, keep the loan money and let the government eat the loss.

Processors are threatening to forfeit as much as 1.4 million tons of sugar valued at an estimated $550 million. The sugar lobby's pitch to Mr. Glickman and White House officials is that buying 300,000 to 350,000 tons immediately will give the market enough lift to avert massive forfeitures at the end of August and September. Sugar prices are at a 20-year low,'' says Sen. Larry Crag, an Idaho Republican. ''The potential for loan forfeitures . . . is very real.''

The senators visiting Mr. Glickman on March 26—all but one from major sugar-producing states—told the agriculture secretary that ''he needed to get on the stick,'' says Mr. Buker, senior vice president of United States Sugar Corp., the nation's largest processor. On April 6, a dozen sugar-state lawmakers met with White House Chief of Staff John Podesta. They and the industry fear costly forfeitures would be a public-relations debacle, sparking moves in Congress to scrap the shaky program.

Administration officials wouldn't be so hesitant about buying heaps of sugar if they knew what to do with it. One option is to sell excess sugar on the world market at cut-rate prices, but that would-be just as controversial as Europe's oft-deplored dumping practices. Another is to donate it overseas as humanitarian aid, but so far no country has shown any interest in empty calories.

Limited amounts could possibly be used for school lunches and other feeding programs. The only other viable option is to use it as feedback for ethanol plants, but it would have to be dirt-cheap to compete with corn, which sells for a nickel a pound.

Diverting sugar into ethanol, a fuel additive, would displace corn, costing farmers $100 million a year, the National Corn Growers Association argues. They shouldn't have to ''shoulder the burden'' of bailing out sugar producers, the association says.

Adding to the difficulty of a bailout is the opposition from politicians who represent more sugar consumers than producers. Splurging on sugar would be a ''quick fix'' of ''dubious legality,'' 15 House members asserted in a bipartisan letter. It would bestow a ''bonanza'' on processors, without preventing forfeitures in the end, Senate Agriculture Committee Chairman Richard Lugar cautioned last week. The Indiana Republican also warned that ''dumping'' sugar overseas would infuriate trading partners.

Ultimately, though, such considerations may not offset the political leverage of Big Sugar, which gave Democrats and Republicans $7.2 million between 1995 and 1999, more than any other commodity group in Washington. The fact that the meeting with Mr. Glickman was attended by New Jersey Sen. Robert Torricelli, who hails from a state with no sugar growers but is chairman of the Democratic Senatorial Campaign Committee, highlights sugar's importance in an election year.

At least three sugar states—Michigan, Ohio and Florida—are seen as being in play in the presidential race. Earlier this year, Florida Crystals Inc., owned by the Cuban-born Fanjul family, gave Sen. Torricelli's committee $50,000. Last July, Alfson Fanjul hosted a $25,000-a-couple dinner, attended by President Clinton, raising more than $1 million for the Florida Democratic Party. Mr. Fanjul is renowned for calling up the president to discuss sugar-related issues.

Particularly desperate are three big Hawaiian sugar-cane producers, Gay & Robinson Sugar Co., an Alexander & Baldwin Inc. subsidiary and Amfac/JMB-Hawaii; Inc., whose first shipload of the season is due to reach the mainland next week. Unlike their counterparts, they are ''price-takers,'' says the lobbyist, Dalton Yancey. Under an exclusive contract with a refinery on San Francisco Bay, they are obligated to base the price of arriving shiploads on the going New York price, no matter how far it falls below the guaranteed price-support level. The contract doesn't allow putting sugar under loan or forfeiting it.

Adding to the industry's problems is a looming surge of Mexican imports. In October, under, terms of the North American Free Trade Agreement, Mexico will be free to ship 250,000 metric tons of low-duty sugar into the U.S.

Despite more than a 20% drop in prices since 1996, sugar production is still much more profitable than raising grain or cotton. The result is that the nation's 10,000 cans and beet growers are shifting more land into sugar. Their lobbyists portray them as suffering from agriculture's woes, including crop failures and lost markets, when in fact most fare better than nonsugar producers.

All told, the sugar problem threatens to haunt the White House and Vice President Al Gore's presidential bid. It could complicate the coming visit of Mexico's president to Washington, and could further hamstring U.S. efforts to open up overseas markets for meat, corn sweetener and other foodstuffs.

Ironically, the administration could have avoided the whole sticky mess. But Messrs.

Glickman and Podesta, under intense industry pressure, went along with an administrative decision last fall to reinstate the guaranteed minimum price, even though under a 1996 change in the loan program it shouldn't have been offered to processors.

Now, the industry is arguing that ''sugar is in crisis,'' in the words of Jack Roney, economist for the American Sugar Alliance.

[From the New York Times, July 14, 1997]

END SUGAR'S SWEET DEAL

The House will vote again soon on whether to eliminate loan subsidies that keep sugar prices high while fostering destruction of the Florida Everglades. A bipartisan proposal sponsored by Charles Schumer, Democrat of New York, and Dan Miller, Republican of Florida, to phase out sugar subsidies barely lost last year. It may come up for another vote this week in the form of an amendment to an appropriations bill. That will give the House a second chance to put the interests of consumers and the environment over those of a small crowd of politically powerful sugar growers.

A combination of import restrictions, guaranteed prices and subsidized loans keep sugar prices artificially high, roughly twice the level in other countries, and thus transfers about $1.5 billion a year from consumers to a handful of large sugar growers. Almost half of the benefits from the sugar program go to little more than 1 percent of growers. The high prices act like a tax on food, hitting hardest at poor families who typically spend a large fraction of their budget on food and other necessities. If the Schumer-Miller proposal passes, sugar prices could fall 20 cents for a five-pound bag.

The sugar growers justify their subsidies as needed to counter foreign-subsidized imports and to protect the jobs of domestic workers. Neither argument withstands scrutiny. There are ample rules to prevent foreign countries. from ''dumping'' government-subsized sugar in United States markets. Also, by propping up raw sugar prices, the program has driven half the United States sugar refiners out of business or out of the country, taking jobs with them.

There is a second, powerful reason to eliminate sugar subsidies. They breed excessive production of sugar cane in environmentally sensitive areas. In the Florida Everglades, about a half-million acres of wetlands have been converted to sugar cane production. Excessive sugar cane production has interrupted water flows and contaminated the Everglades with polluted agricultural run-off.

When the Schumer-Miller bill comes up for a vote, representatives who claim to defend the interests of ordinary consumers ought to vote yes. The bill lost narrowly last year in part because some urban representatives—including Gary Ackerman, Jose Serrano and Thomas Manton of New York—voted no. They harmed their own constituents but can make amends this week.

Mr. McCAIN. Mr. President, I now quote from the April 27, 2000, article from the Wall Street Journal entitled ''Big Sugar Seeks Bailout.''

Never have old hands at the Agriculture Department seen such a turnout: 11 U.S. senators trooping into Secretary Dan Glickman's office to lobby for a big sugar-industry bailout.

''When you have 11 senators showing up,'' says Florida sugar-company executive Robert Buker, ''that's horsepower''—enough power, he believes, to push an ambivalent Clinton administration into an unprecedented market intervention to bail out distressed U.S. sugar producers.

The producers are floundering beneath a market-depressing glut of sugar. Come October, they face another problem: a tenfold jump in Mexican sugar imports. The federal sugar-loan program, which has cosseted them for nearly two decades, is suddenly in danger of imploding.

So, to shore up the domestic market, sugar lobbyists are imploring administration officials to authorize a bold sugar-buying spree. Only by spending $100 million now to buy sugar and boost market prices, they contend, can the government hope to head off a much costlier wave of sugar-loan forfeitures later this summer, in the midst of an election campaign.

Mr. President, the article is very revealing in that it describes the top contributors in the year 1999 and the amounts of money that have been distributed. It is quite remarkable in its entirety.

I quote from an article in Time magazine, November 1998, entitled: ''Sweet Deal, Why Are These Men Smiling? The Reason is in Your Sugar Bowl.''

Occupying a breathtaking spot on the southeast coast of the Dominican Republic, Casa de Campo is one of the Caribbean's most storied resorts . . . and that's truth in advertising. The place has 14 swimming pools, a world-class shooting ground, PGA-quality golf courses and $1,000-a-night villas.

A thousand miles to the northwest, in the Florida Everglades, the vista is much different. Chemical runoff from the corporate cultivation of sugar cane imperils vegetation and wildlife. Polluted water spills out of the glades into Florida Bay, forming a slimy, greenish brown stain where fishing once thrived.

Both sites are the by-product of corporate welfare.

In this case the beneficiaries are the Fanjul family of Palm Beach, Fla. The name means nothing to most Americans, but the Fanjuls might be considered the First Family of Corporate Welfare. They own Flo-Sun Inc., one of the nation's largest producers of raw sugar. As such, they benefit from federal policies that compel American consumers to pay artificially high prices for sugar.

Since the Fanjuls control about one-third of Florida's sugar-cane production, that means they collect at least $60 million a year in subsidies, according to an analysis of General Accounting Office calculations. It's the sweetest of deals, and it's made the family, the proprietors of Casa de Campo, one of America's richest.

The subsidy has had one other consequence: it has helped create an environmental catastrophe in the Everglades. Depending on whom you talk to, it will cost anywhere from $3 billion to $8 billion to repair the Everglades by building new dikes, rerouting canals and digging new lakes.

Growers are committed to pay up to $240 million over 20 years for the cleanup. Which means the industry that created much of the problem will have to pay only a fraction of the cost to correct it. Government will pay the rest. As for the Fanjuls, a spokesman says they are committed to pay about $4.5 million a year.

Do a little arithmetic. We got $60 million in Federal subsidies, of which they will pay $4.5 million for the Everglades. Not a bad deal.

How did this disaster happen? With your tax dollars. How will it be fixed? With your tax dollars.

It is not news that sugar is richly subsidized, or that the Fanjuls have profited so handsomely. Even as recently as 1995, when Congress passed legislation to phase out price supports for a cornucopia of agricultural products, raw sugar was spared. Through a combination of loan guarantees and tariffs on imported sugar, domestic farmers like the Fanjuls are shielded from real-world prices. So in the U.S., raw sugar sells for about twenty-two cents a pound, more than double the prices most of the world pays. The cost to Americans: at least $1.4 billion in the form of higher prices for candy, soda and other sweet things of life. A GAO study, moreover, has estimated that nearly half the subsidy goes to large sugar producers like the Fanjuls.

A spokesman for Flo-Sun, Jorge Dominicis, said the company disagrees with the GAO's estimate on the profits the Fanjuls and other growers derive from the program.

''That is supposed to imply somehow that our companies receive $60 million in guaranteed profits,'' he said, ''and that is flat-out not true. Our companies don't make anywhere near that kind of profit.''

Dominicis, like other proponents of the sugar program, contends that it doesn't cost taxpayers a penny and is not unlike government protection of other American industries. ''If our [sugar policy] is corporate welfare, which I don't believe it is, then all trade policy is corporate welfare,'' he says.

Flo-Sun is run by four Fanjul brothers, Alfonso (''Alfie''), Jose (''Pepe''), Andres and Alexander. Their family dominated Cuba's sugar industry for decades, and they came to this country with their parents in 1959, after Fidel Castro seized power. The Fanjuls arrived just as a U.S. Army Corps of Engineers project to control the flow of water in the Florida Everglades made large-scale development possible. The total acreage planted in sugar cane there soared—from 50,000 acres in 1960 to more than 420,000 today.

Within that swampy paradise lies yet another subsidy. Each year, according to a 1997 estimate, the Army Corps of Engineers spends $63 million to control water flow in central and south Florida. This enables growers to obtain water when they need it or restrain the flow during heavy rains. Of the $63 million, the Corps estimates $52 million is spent on agriculture, mainly sugar-cane farmers, in the Everglades.

The article further states:

Though by no means the largest special interest in Washington, the sugar lobby is one of the most well-heeled. And among growers, the Fanjuls are big givers. And among growers, the Fanjuls are big givers. Family members and corporate executives have contributed nearly $1 million so far in this decade, dividing the money fairly evenly between political parties.

This knack for covering for political bases carries all the way to the top of the Fanjul empire. Alfonso Fanjul served as co-chairman of Bill Clinton's Florida campaign in 1992. His brother Pepe was national vice chairman of finance for Bob Dole's presidential campaign in 1996 and was host to a $1,000-a-head fund raiser for Dole at his Palm Beach mansion. After Clinton's 1992 victory, Alfie was a member of the select group invited by the Clinton camp to attend the President-elect's ''economic summit'' in Little Rock, Ark.

Careful readers of Kenneth Starr's impeachment report to Congress will note that

on Feb. 19, 1996. . . . The two spoke for 22 minutes. The topic: a proposed tax on sugar farmers to pay for the Everglades cleanup. Fanjul reportedly told the President he and other growers opposed such a step, since it would cost them millions. Such a tax has never been passed.

That is access.

I will be glad to continue this debate, and I will be glad to again enter into a time agreement on this amendment when it is appropriate for me to have it considered by the full Senate.

I ask unanimous consent to add Senator BROWNBACK and Senator FITZGERALD as cosponsors.

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

Mr. MCCAIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I ask my colleague from Mississippi—I know he has the right to the floor—could I make a request to my colleagues? I have been on the floor for several hours waiting to introduce an amendment. I ask unanimous consent that after the McCain amendment I be allowed to introduce an amendment.

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

The Senator from Mississippi.

Mr. COCHRAN. I understand we have been able to reach an agreement on the list of amendments remaining in order to be offered to this bill. I am prepared, now, to make that unanimous consent request.

Mr. REID. Will the Senator withhold?

Mr. COCHRAN. I am happy to withhold and happy to yield to the Senator from Nevada.

Mr. REID. One moment.

Mr. COCHRAN. Mr. President, I understand not all of the agreement can be agreed to at this point, but I will recite that which can be agreed to if there is no objection. We will see if there is.

I ask unanimous consent that the following amendments be the only remaining first-degree amendments in order to the pending Agriculture appropriations bill, that they be subject to relevant second-degree amendments, and no points of order be considered waived by this agreement.

I will submit a list of amendments rather than reading them.

The list follows:

Jeffords: Drug importation.
Burns: Crop Insurance Program.
B. Smith: Wildlife services.
B. Smith: Relevant to list.
B. Smith: Relevant.
B. Smith: Relevant.
B. Smith: Relevant.
B. Smith: RU486.
B. Smith: Sanctions.
B. Smith: Sanctions.
B. Smith: Sanctions.
B. Smith: Sanctions.
Abraham:Prescription drugs.
Ashcroft: Relevant.
Ashcroft: Relevant.
Chafee: Sanctions.
Warner: Relevant.
Warner: Relevant.
G. Smith: Goose related crop depredation.
Santorum: National robotics consortium.
Santorum: African farming.
Collins:Relevant.
Abraham:Relevant.
Abraham:Asparagus.
Gramm: Relevant to list.
Gramm: Relevant.
McCain: Relevant.
McCain: Relevant.
McCain: Relevant.
Cochran:Relevant.
Cochran:Relevant.
Cochran:Relevant.
Cochran:Relevant.
Nickles:Relevant.
Campbell: Bison meat.
Grams: Finpack.
Grams: Ratites.
Lott: Relevant to list.
Lott: Relevant to list.
Stevens:Relevant.
Stevens:Relevant.
Jeffords: Dairy exports.
Hutchinson: Relevant.
McConnell: Sulfites in wine.
Sessions: Emergency feed operations.
Sessions: Emergency feed operations.
Sessions: Satsuma orange frost research.
Specter:Amtrack.
Thurmond: Relevant.
Akaka: Agriculture product.
Baucus: Oregon inlet (point of order).
Baucus: Beef industry compensation.
Baucus: Food Stamp Montana.
Baucus: Northern plains.
Baucus: Montana sheep industry.
Baucus: Oregon inlet.
Boxer: Citrus imports.
Boxer: Organic wine.
Boxer: Relevant.
Byrd: Relevant.
Byrd: Relevant.
Cleland:Emergency loans, poultry producers.
Conrad: Motion to instruct conferees.
Conrad: Relevant.
Conrad: Relevant.
Daschle:Relevant.
Daschle:Relevant.
Daschle:Relevant.
Daschle:Relevant to any amendment on the list.
Daschle:Relevant to any amendment on the list.
Daschle:Strategic Energy Reserves.
Daschle:Agricultural competition.
Daschle:CRP contract integrity.
Daschle:Wetlands pilot.
Dodd: Oysters.
Dodd: Relevant.
Dorgan: Relevant.
Dorgan: Relevant.
Dorgan: Disaster aid.
Dorgan: Bison meat.
Dorgan: Food aid.
Dorgan: Drug importation (with Jeffords).
Durbin: Point of order/motion to strike re: hard rock mining.
Edwards: USDA community facilities.
Edwards: Relevant.
Feingold: Relevant.
Feingold: Relevant.
Feingold: Relevant.
Feingold: Relevant.
Feinstein: Citrus.
Feinstein: Rice.
Feinstein: Relevant.
Feinstein: Relevant.
Graham: Cuba sanctions.
Graham: Citrus canker.
Graham: Nursery crops.
Graham: Relevant.
Harkin: Emergency watershed.
Harkin: GIPSA.
Harkin: GIPSA emergency.
Harkin: Meat and poultry inspection.
Harkin: Agrability.
Harkin: Renewable fuels.
Harkin: Renewable fuels.
Harkin: Methamphetamine.
Harkin: FDA.
Harkin: Relevant.
Harkin: Relevant.
Harkin: Relevant.
Harkin: Relevant.
Inouye: Commodity Credit Corp (CCC).
Inouye: Relevant.
Johnson: Relevant.
Johnson: Relevant.
Johnson: Relevant.
Johnson: Relevant.
Kennedy: Food safety.
Kennedy: Prescription drugs.
Kohl: Relevant.
Kohl: Relevant.
Kohl: Relevant.
Kohl: Manager's amendment.
Landrieu: Agricultural research.
Leahy: Relevant.
Leahy: Relevant.
Levin: Relevant.
Levin: Relevant.
Levin: Relevant.
Lieberman: Relevant.
Lincoln: Relevant.
Lincoln: Relevant.
Reed: Lobster shell disease.
Reed: Hunt River watershed (ground water source).
Reed: Pocasset River plug (flood plain management).
Reed: Pocasset River plug (flood plain management).
Reed: Relevant.
Reed: Relevant.
Reid: Relevant.
Reid: Relevant to any amendment on the list.
Robb: Tobacco research.
Torricelli: Speciality crops.
Torricelli: Domestic violence.
Torricelli: Lead.
Torricelli: SOS domestic violence.
Torricelli: Relevant.
Torricelli: Relevant.
Wellstone: GIPSA funding.
Wellstone: Calculation of farm income.
Wellstone: Food Stamp study.
Wellstone: Summer Food Program.
Wellstone: Telework Amendment No. 1.
Wellstone: Telework Amendment No. 2.
Wyden: Relevant.
Wyden: Relevant.

Mr. COCHRAN. I further ask consent that following the disposition of the above-listed amendments, the bill be advanced to third reading and passage occur, all without any intervening action or debate. I also ask the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate, those being the entire subcommittee plus Senators STEVENS and BYRD.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

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

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi still has the floor.

Mr. COCHRAN. I am happy to yield to my friend from Nevada.

Mr. REID. Mr. President, I say to my friend, the manager of the bill, and also the Senator from Arizona, we will withdraw our objection now. We will allow Senator MCCAIN to proceed to offer his amendment, if that is appropriate.

Mr. COCHRAN. The objection, not to the last part of the agreement?

Mr. REID. I stated no objection to the agreement. The last part is out.

Mr. COCHRAN. The Senator is suggesting it is okay for Senator MCCAIN to proceed and complete action on his amendment?

Mr. REID. What the Senator read is appropriate. There is provision in there, a little short paragraph at the end that you did not read. We do not agree with that. So the unanimous consent agreement——

Mr. COCHRAN. As stated, you have no objection.

Mr. REID. In the first two paragraphs, that is correct. I said that. I also state we have no objection to setting the Harkin amendment aside so the Senator from Arizona can now offer his amendment.

I ask unanimous consent the Harkin amendment be set aside.

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

The Senator from Arizona.

AMENDMENT NO. 3917

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. GREGG, Mr. SCHUMER, Mr. LUGAR, Mr. BROWNBACK, and Mr. FITZGERALD, proposes an amendment numbered 3917.

Mr. MCCAIN. 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:

(Purpose: To prohibit the use of appropriated funds for the sugar program)

On page 75, between lines 16 and 17, insert the following:

SEC. 7 . SUGAR PROGRAM.—None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 156 of the Agricultural Market Transition Act (7 U.S.C. 7272).

Mr. MCCAIN. Mr. President, I could spend more time. I ask unanimous consent an article from the Savannah Morning News entitled ''Two Sides of the American Dream'' be printed in the RECORD.

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

[From the Savannah Morning News, August 3, 1997]

TWO SIDES OF THE AMERICAN DREAM

(By Bob Sechler)

By some accounts, Alfonso and Jose Fanjul personify the American Dream—Cuban-born immigrants who arrived in the United States almost 40 years ago, emerging as millionaire sugar growers through pluck and hard work.

But others say the brothers are better symbols of what ails the country. Their ostentatious lifestyles, complete with Palm Beach, Fla., mansions, yachts and chauffeured limousines, are the spoils of a corporate welfare system that rewards wheeler-dealers willing to ante up for political influence, critics say.

''They know how to play the game, and they know who to hire to play the game,'' said Joe Garcia, a representative of Save the Everglades in Florida, an environmental group that has tangled repeatedly with the Fanjuls (pronounced Fahn-hool) and their Flo-Sun sugar empire.

Regardless of which Fanjul family portrait proves most accurate, Savannahians likely will get to know the brothers well.

The Fanjuls and Flo-Sun will hold a controlling interest in Savannah Foods and Industries—a major local employer and an 80-year corporate fixture in Chatham County—if a proposed merger with a Flo-Sun subsidiary is approved by Savannah Foods' stockholders in October.

''One thing you can say about them is they know sugar,'' said Tom Hammer of the Sweetener Users Association.

Hammer's group, which represents candy manufacturers and other industrial sugar users, has lined up against the Fanjuls—and lost—in political battles over the federal sugar program, which provides huge benefits to growers such as Flo-Sun.

Still, Hammer voices a grudging respect for the family and its sugar success.

''They are formidable opponents in terms of knowing what is the best system for them and being willing to stand up for it,'' he said. ''That is the political system at work.''

FROM CUBA TO FLORIDA

The Fanjuls' roots in sugar date to pre-revolutionary Cuba, where their family had dominated the industry since the 19th century.

But the family fled Cuba when Fidel Castro came to power, buying 4,000 acres in Florida in 1960 and beginning Flo-Sun.

The company's success since then has been phenomenal, ballooning to 180,000 acres of cane fields and accounting for 40 percent of the sugar grown in Florida. The worth of the private sugar empire has been estimated at $500 million, not including extensive outside holdings by the family elsewhere in the United States and in the Dominican Republic.

But the success of Flo-Sun, and of the Fanjul brothers who now run it, is attributable as much to acknowledge of the sugar industry as it is to a knack for American-style politics.

The Fanjuls—Alfonso, 59, Jose, 53, and other family members—have been active at all levels of government when their interests are at stake, and they've always been willing to back up their positions with their checkbooks.

They helped fight off a proposed Florida measure last year that would have assessed a penny-a-pound tax on raw sugar to fund Everglades restoration. Flo-Sun and other Florida sugar growers combined on a $22.7 million campaign aimed at defeating the plan, compared to $13 million spent by Florida environmentalists and other proponents of it.

Neither brother is a U.S. citizen, but Alfonso co-chaired President Clinton's 1992 Florida campaign and Jose served on the campaign finance committee of 1996 GOP contender Bob Dole. The two Fanjuls recently applied for U.S. citizenship.

Flo-Sun and its subsidiaries donated $224,500 to the national Democratic Party from 1995–1996 and $319,000 to the Republicans. The amounts don't include contributions to individual candidates.

''The Fanjul brothers play interesting, both-sides-of-the-street politics here in Washington,'' said Burton Eller, who has faced off against Flo-Sun as chairman of the Coalition for Sugar Reform, a group bent on dismantling the federal program that benefits sugar growers such as Flo-Sun.

Some observers say the goal of the brothers' two-pronged politicking has been to preserve the status quo—which includes a lucrative federal system of price supports and import quotas that benefit domestic sugar growers.

Others dismiss the criticism as the whining of losers.

''Their efforts to be involved in government are commendable,'' said U.S. Rep. Mark Foley, a Florida Republican who represents the Fanjuls' south Florida home base.

''When has that become a crime?'' asked Foley, who collected $4,000 in contributions from the brothers and Flo-Sun last year. ''They live here. They pay taxes. They employ people, and they live within the boundaries of the system.''

Flo-Sun received up to $64 million in benefits in one year alone under the federal sugar program, according to an estimate by the government's General Accounting Office.

The Fanjuls and other sugar growers won a heated political battle last year to maintain the program. The federal price supports and import quotas that benefit sugar growers are preserved in the 1996 federal Farm Bill, which outlines farm policy through 2002, even though subsidies for many other farm products are being phased out.

EXPENSIVE VICTORY

But the win in the Farm Bill fight cost the Fanjuls more than money. It came at a time of increased scrutiny on campaign finance and when consumer advocacy groups were blasting the federal sugar program as nothing more than a handout to big sugar growers.

The timing brought unwanted focus on the Fanjuls—known for being intensely private—and resulted in them being dubbed ''poster boys for corporate welfare,'' among other things, in unflattering profiles in several national publications.

Photographs of their sports cars and mansions and descriptions of a jet-setting lifestyle fueled the fire.

Flo-Sun spokesman Jorge Dominicis said the Fanjuls couldn't comment this week because of a mandated Securities and Exchange Commission ''quite time'' leading up to all mergers involving public companies, such as Savannah Foods. Representatives of Savannah Foods have declined comment for the same reason.

But Foley said much of the focus on the Fanjuls' lifestyle and political activity has been unfair.

''Some of it is born out of, I don't want to say prejudice, but they are Cubans and they've come here and they've been very successful,'' he said.

''They came from a land where all their property was taken (by Castro), and they've

emerged very successful. It's been called corporate welfare, but they play on the same playing field as everyone else.''

Luther Markwart, chairman of the U.S. Sugar Beet Growers Association, an ally of cane growers such as Flo-Sun, also said the criticism of the Fanjuls is baseless.

''They're very smart businessmen and their family has been in sugar for six generations,''. Markwart said. ''The people that are calling them the names, are the big industrial users (of sugar) and some of the environmentalists down there'' in Florida.

None of the public criticisms of the Fanjuls has questioned their business acumen.

Still, Savananah Foods stock has plummeted since the announcement several weeks ago of the proposed merger with a Flo-Sun subsidiary. Stock in Savannah Foods has dropped from nearly $19 a share prior to the announcement to $14.12 a share now.

The slide is being attributed largely to a sense that Savannah Foods isn't reaping full value for its assets in the proposed merger.

Under the terms of the deal, the Fanjuls and Flo-Sun will control 83 percent of shareholder voting strength in the merged company despite owning only 58 percent of the shares.

''It's basically a question of a public company that is going to be in the hands of private people, for the most part,'' said Victor Zabavsky, an analyst with Value Line Publishing in New York who follows Savannah Foods.

But if the merger goes through, Foley said average Savannahians who look to Savannah Foods as a major employer and a good corporate citizen have nothing to fear.

''A lot of the media spotlight on (the Fanjuls) has been negative,'' Foley said. ''But that's not the Fanjuls—they want to be good corporate citizens. They're certainly going to be very concerned with the community and the employment base of Savannah Foods.

''Its not just political coffers they pour money into,'' he said. ''They help virtually every charity that asks. They are very philanthropic.''

TOP STORIES

Alfonso Fanjul, 59

A native of Cuba who received a bachelor's in business administration from Fordham University in New York City.

Chairman and chief executive officer of Flo-Sun. He also will serve in the same capacity in a new company formed through the merger of Flo-Sun subsidiary Florida Crystals and Savannah Foods and Industries.

A prominent Democrat who co-chaired President Clinton's 1992 Florida campaign.

Among other endeavors, he is a trustee of the University of Miami, the Intracoastal Health Foundation and the Good Samaritan/St. Mary's Hospital.

Jose ''Pepe'' Fanjul, 53

A native of Cuba who received a bachelor's in economics from Villanova University and a master's in business administration from New York University.

President and chief operating officer of Flo-Sun. He'll serve in the same capacity in a new company formed through the merger of Flo-Sun subsidiary Florida Crystals and Savannah Foods and Industries.

A prominent Republican who served on the campaign finance committee of 1996 GOP presidential contender Bob Dole. He also is vice chairman the national Republican Party's finance committee.

Among other endeavors, he is a trustee of the intracoastal Health Foundation, the Good Samaritan/St. Mary's Hospital and the American Friends of the Game Conservancy. He also is a director of the Knights of Malta, the Americas Society, the Spanish Institute and the New Hope Foundation.

Fanjuls' news clippings

Sugar growers such as Flo-Sun successfully defended their lucrative system of federal price supports and import quotas in a heated political battle over the 1996 Farm Bill. But last year's Farm Bill fight, along with renewed calls for campaign finance reform, have focused national media attention on Flo-Sun's Fanjul family and its practice of lavish political contributions. Here is a breakdown of what some publications and organizations have had to say about Flo-Sun and the Fanjuls.

Center of Responsive Politics: ''With their wealth conservatively estimated at several hundred million dollars, the Fanjuls can afford to spread around lots of political money. And they do. . . . The Florida sugar cane industry's campaign contributions may have helped preserve the federal price-support system for sugar.''

George magazine: ''Though Cuban citizens, the Fanjul brothers had proved quick students of American-style wheeling and dealing and before long were living much as they had in their pre-Castro homeland—only protected by even more wealth, power and Teflon.''

Mother Jones magazine: ''The Fanjuls' total (political) giving has been consistently underreported because they give through an array of family members, companies, executives and PACs. During the 1995–96 election cycle, members of the Fanjul family contributed $774,500 to federal campaigns. . . . It's an excellent investment. In return, a grateful Congress maintains a sugar price support program worth approximately $65 million annually to the Fanjuls.''

U.S. Sugar Corp.

U.S. Sugar Corp., another large Florida sugar grower, also is a major beneficiary of the federal sugar program. U.S. Sugar donated a combined $230,000 to the national Democratic and Republican parties in 1995–96, not including contributions to individual candidates.

National Enquirer: ''It's the sweetest deal on earth. Every time you buy a pound of sugar grown by the Fanjuls and other U.S. sugar growers, you pay more than a nickel extra—and the money goes right into their pockets.''

New York Times: ''The support program (for sugar) has kept some marginal producers in business while producing big profits for more efficient companies. The most conspicuous example of the latter is Flo-Sun, a huge operation north of the Everglades controlled by two brothers, Alfonso and Jose Fanjul . . . Given their obvious interest in keeping the subsidy program alive, the Fanjuls are lavish contributors to politicians in both parties—giving as much as $3 million since 1979, by one estimate.''

Mr. McCAIN. There was an Associated Press article of May 12 entitled ''Sugar Growers Get Bailout: Purchase of Surplus Will Cost Taxpayers About $60 Million.'' I ask unanimous consent that be printed in the RECORD.

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

SUGAR GROWERS GET BAILOUT—PURCHASE OF SURPLUS WILL COST TAXPAYERS ABOUT $60 MILLION

(By Philip Brasher)

WASHINGTON, May 12—The government plans to buy and store 150,000 tons of surplus sugar to bail out farmers who have produced so much of the stuff that prices have dropped 25 percent over the past year.

The Agriculture Department put off the decision about what to do with the sugar, which will cost taxpayers about $60 million. The department has considered donating it overseas or else selling it at a steep discount for refining into ethanol, a fuel additive normally made from corn.

Growers have been threatening to forfeit to the government as much as $550 million worth of sugar pledged as collateral on federal marketing loans.

FEND OFF LOAN FORFEITURES

''We are acting to help address dramatically low sugar prices,'' Agriculture Secretary Dan Glickman said in announcing the planned purchase. ''By buying U.S. sugar now, we expect to save as much as $6 million in administrative costs that the government might otherwise incur from expected loan forfeitures later this summer.''

A coalition of candy- and food-makers, consumer advocates and environmental groups that opposes the sugar program had urged the administration to let prices fall.

''Obviously, the administration has no plan for disposing of the sugar,'' Jeff Nedelman, a spokesman for the group, said today.

''They cannot dump it overseas for fear of igniting a trade war. They cannot give it away for humanitarian aid, because no country wants it, and they cannot refine it into ethanol without fear of depressing corn prices. They have a crisis of their own making and no good answer.''

FURTHER ACTION A POSSIBILITY

The department did not rule out buying more sugar. Farmers expect the Clinton administration ''will take further action, as needed, to avoid forfeiture of sugar under loan to the government,'' said Ray VanDriessche, president of the American Sugarbeet Growers Association.

Glickman's decision came on the eve of a visit by President Clinton to Minnesota, a major sugar-growing state. Clinton and Glickman were to visit a farm outside of the Minneapolis-St. Paul area today to appeal for Congress to approve permanent trade relations with Cuba.

The government guarantees farmers a minimum price for domestic sugar through the loan program and quotas on imports, but increases in domestic production are making it difficult for USDA to control domestic prices.

Growers who put their sugar up as collateral for a federal loan have the right to forfeit the crop to the government if prices fall below the guaranteed price.

SURGERY NEEDED, NOT BAND-AIDS

''The sugar program does not need Band-Aids, it needs major surgery,'' groups opposed to the program said in a letter last month to Glickman.

Glickman urged sugar growers to cut back on plantings by idling land in the government's Conservation Reserve Program, which pays farmers to take acreage out of production.

''We expect the sugar industry to rapidly develop conservation and production options that can form the basis of a sustainable sugar policy,'' Glickman said. ''Simply relying on continued government purchases over

the longer term is neither feasible nor realistic.''

Mr. McCAIN. Mr. President, I quote:

The Agriculture Department put off the decision about what to do with the sugar, which will cost taxpayers about $60 million. The department has considered donating it overseas or else selling it at a steep discount for refining into ethanol, a fuel additive normally made from corn.

''The sugar program does not need Band-Aids, it needs major surgery,'' groups opposed to the program said in a letter last month to Glickman.

Glickman urged sugar growers to cut back on plantings by idling land in the government's Conservation Reserve Program, which pays farmers to take acreage out of production.

Obviously, that has not happened.

I want to quote from an interesting one on June 16. Brian Williams of NBC Nightly News:

Now time for ''The Fleecing of America.'' We have told you here before about price supports for sugar producers in this country, consumers paying what amounts to a hidden tax. Now, according to a new report from the General Accounting Office, what some already consider an outrageous fleecing of America is about to get even worse. Here's NBC's Lisa Myers.

LISA MYERS, reporter. For sugar beet farmers like Craig Halfmann, what critics claim already is a sweet deal is getting even sweeter. The government is using seventy million of your tax dollars to buy a hundred fifty thousand tons of sugar from farmers like Halfmann, enough sugar to lay five-pound bags end-to-end from New York to Los Angeles three times. Why? To prop up sugar prices by reducing supply.

CRAIG HALFMANN, sugar beet farmer. We're in a crisis situation and we're just asking the USA to help us out as farmers.

MYERS. But critics say it's ridiculous and a windfall, especially for big sugar producers, people who make millions. But we'll get to them in a moment. You see, those seventy million taxpayer dollars are in addition to the inflated prices you already pay for sugar and don't even know it.

SENATOR RICHARD LUGAR. This is one of the most serious outrages in the agriculture side consumers have never understood, that they are paying a tax every time they get a pound of sugar.

MYERS. And a candy bar, and cereal, even canned ham. It's all because of the sugar program, and here's how it works. The government uses import restrictions and price supports to keep the sugar supply down and drive prices up. Today the world price of sugar is about eight cents a pound. But US growers get more than twice that much, about twenty cents. And it all shows up right here, in what you pay. Experts estimate the average family of four spends an extra twenty-six dollars a year for sugar because of the program. This government report says that that works out to almost two billion dollars straight from your pockets to sugar producers. Supporters of the program insist it doesn't cost that much, and say struggling farmers need even more help this year, since bumper sugar crops drove down prices.

UNIDENTIFIED MAN. All the government has done is to come in and buy some of the surplus sugar. The government is holding that sugar. They will sell it eventually, possibly even at a profit.

MYERS. The Agriculture Department claims that buying excess sugar now may save taxpayer money.

KEITH COLLINS, USDA Chief Economist. Well, who benefits from the purchase, I think, is the taxpayer. We think that actually saves us some money and at the same time supports prices a little bit now.

MYERS. Not so, say consumer advocates.

ART JAEGER, Consumer Federation of America. The program gives too little money to the farmers who need the help, too much money to farmers who don't need the help.

MYERS. In fact, the biggest winners of all, critics say, are the biggest sugar growers, like Pepe and Alfonso Fonhoul (sp?) of Palm Beach, Florida. They've earned as much as sixty-five million dollars a year from the program.

JAEGER. Anytime you ask consumers to pay one-point-five to two billion dollars a year more for food and the beneficiaries are largely wealthy sugar cane growers in south Florida, I think that's a fleecing of America.

Mr. President, I am sure I will hear from the opponents of eliminating this subsidy that this is simply a program for small farmers, for small growers. The facts do not bear that out. I want to repeat, the majority of this sugar subsidy money goes to the large sugar farmers who also, coincidentally, happen to be major political donors in the American political process.

I do not quite understand how my free-enterprise, free-market, less-government-intervention, less-government-regulation colleagues will come here to the floor and argue that somehow this program is good for American citizens. It is not. Clearly, the facts state that it is a subsidy paid to a privileged few and it costs American taxpayers and American families a great deal of additional money.

I know there are a lot of abuses. I know there are a lot of programs that favor a privileged few in American government. But this one is perhaps one of the most egregious, and we should stop it.

I say to my friends who will oppose this amendment: No. 1, I will be glad to means-test this amendment; No. 2, I will be glad to have a phaseout of the sugar subsidies as well. If you agree to neither, you are basically saying let's let the Fanjul brothers continue to get $65 million a year in subsidies and let's let the American family pay it.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. I yield the floor.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Idaho.

Mr. SCHUMER. Mr. President, today I join my colleague, Senator McCAIN, to offer an amendment that phases out the Federal sugar program.

The current sugar program is one of the last vestiges of a centralized, subsidized U.S. farm sector which has mostly gone by the wayside. This is a special interest program that benefits a handful of sugar barons at the expense of every man, woman and child in America.

Several years ago, the GAO estimated that consumers paid $1.4 billion more at the cash register because of the sugar price support. Today, because the world price for sugar is lower and the price paid in the U.S. is higher, the cost to consumers could be twice as high.

And, and let's not forget that the sugar support system has already cost America thousands of refinery jobs. Why? Because the sugar program is such a bitter deal, refiners cannot get enough raw cane sugar to remain open. In Brooklyn and in Yonkers, we have lost one-third of our refinery jobs in the last decade. And it has already cost the Everglades hundreds of acres of pristine wilderness.

Four years ago, when we came within five votes in the House of terminating the sugar program, the world market price for sugar was about ten cents and the U.S. price about 20 cents. Today the world price is less than a nickel and the U.S. price is almost a quarter. In other words, the gulf between the free market and the sugar program is getting wider.

Under any reasonable and rational measure the sugar program should be repealed. If the issue is jobs, the environment or the consumer—then we have no choice but to repeal. Standing with me are liberal, moderate and conservative members of Congress. Standing with us are liberal, moderate and conservative public interest organizations. At all ends of the political spectrum the answer is the same—it's time to repeal the sugar program.

Mr. CRAIG. Mr. President, I rise in opposition to the McCain amendment today. I certainly will not rise to the challenge the Senator from Arizona has placed. I never rise to the challenge of the editorial board of the New York Times or the tabloid test of NBC's ''Fleecing of America.'' I did that once with the ''Fleecing of America.'' I did because they were wrong. They had misused their facts, as they are misusing them now, and the Senator from Arizona has brought in those facts.

The reality is, I stand on the floor today to defend about 1,000 farmers in my State of Idaho, and I think you will hear from others today who defend American agriculture and its productive power and its ability to sustain itself within a world market and our willingness to put up reasonable safeguards to assure that sustainability at the local level. In my case, in Idaho, with nearly 1,000 sugar beet farmers, it is necessary and appropriate. I stand, not to apologize whatsoever, but to strongly support what I think is a necessary and appropriate program.

As with other commodities, those of us from agricultural States know that many in agriculture today are in crisis. They are at or below break even by a substantial amount. There is no difference between the potato farmer of

Idaho or the sugar beet farmer of Idaho or the corn farmer of Iowa today.

In the case of sugar, prices this year compared to last summer are down by about 26 percent, and as a result of that, the Government has responded aggressively and appropriately to the crisis in rural America, making approximately $70 billion of total expenditures since 1966 to America's agricultural producers.

I am not going to apologize for that, and here is why: Banks are not going under; farms are not going under; America's food supply on the shelf is more abundant, safer, and of a higher quality than ever, at a lower price. The American consumer today spends less of his or her consumer dollar for American food, including sugar, than any other consumer in the world.

Should we apologize for that? I think not. What we have tried to do—and I think we have been reasonably successful—is balance out a domestic program with foreign competition while consistently working to open up foreign markets and clearly to liberalize the whole of the agricultural programs of this country.

USDA recently did purchase sugar. The Senator from Arizona has spoken to that. The reason they did was to try to stabilize the market and stabilize the price. There is no question that thousands of jobs in rural America depend on that action. I defended that action and I do now with no apology.

Sugar policy has run at largely no cost to the U.S. Government since 1985. I say that because what the Senator from Arizona failed to talk about was the amount of money directly contributed by the industry itself. In fact, it has been a revenue raiser. Since 1991, $279 million have been placed in the Treasury by a special marketing tax paid directly by the sugar producers. Did the Senator from Arizona mention that? Oops, I guess the Wall Street Journal did not mention it, nor did the New York Times mention it, nor did the ''Fleecing of America'' mention it. Of course, if they did not mention it, it ''ain't'' worth mentioning.

The probable net cost of the announced purchase and removal of sugar has been more than covered by the revenues of the sugar policy. As I helped other Members of this Senate design that policy, that is exactly what we tried to do: to balance it out so the industry itself was self-financing.

Mr. McCAIN. Will the Senator yield for a question?

Mr. CRAIG. I will not at this time. Let me finish my statement.

Mr. McCAIN. The Senator mentioned a very important marketing assessment, which had been taken out in last year's omnibus bill.

Mr. CRAIG. Since 1991, the marketing assessment has raised $279 million. That was my quote. That is a fact the Senator cannot dispute. This 132,000-ton purchase is a step toward preventing the forfeiture of a much larger amount of sugar. USDA has estimated that 600,000 tons could be forfeited at a much higher cost to the Government—the Senator from Arizona is correct—based on current programs and current forfeitures. Pulling that sugar from the market now costs substantially less. The purchase saves the Government money and promotes the stopping of this kind of effort based on forfeiture, and that does save the American taxpayer money.

The purchase would not have been necessary and there would be no threat of forfeiture if sugar producers were not required, under the WTO and the North American Free Trade Agreement, to import about 15 percent of our consumption. I happen to have voted against the North American Free Trade Agreement because I felt this was a loophole that would potentially cost the producers of the State of Idaho their crops and maybe their farms. Now, of course, reality begins to bear itself out.

Further compounding the problem has been extensive import quota circumvention by a term that is now well known by those of us who are interested in agriculture. It is known as stuffed molasses. Low prices for other crops driving producers to beet and cane sugar production and extremely favorable weather conditions for the last 2 years have all contributed to the oversupply of sugar and the need for Government intervention.

Stuffed molasses, as my colleagues know, is a way of circumventing the law by loading up molasses with sugar, moving it through import into this country, then pulling it in and refining the sugar out of it. It is kind of like covering up, violating the law, if you will, in a legal way. It certainly violates the spirit of the trade agreement.

Allowing sugar prices to continue to fall will put more sugar farmers out of business, but it will not help consumers one bit. There is a general assumption on the part of those who oppose the sugar program that once you drop the price of sugar to the world price, all of a sudden candy bars get cheaper, soda pop gets cheaper, confectionery foods get cheaper, and we know that is not the fact. It has never been the fact. We might transfer a little profitability from the sugar farmer to the candy maker or to the soft drink producer, or to those who generally supply confectionery goods to the consumers of this country.

Does it translate through to the farmer? No, it does not, and it never has.

While the price food manufacturers and makers of candy—cereal, ice cream, cookies, and cakes—pay for sugar—they will always pay that amount. That is the character of the way the industry works. They simply either make a little more or make a little less, based on the margins in which they buy.

The truth of the matter is that in the U.S., the sugar program has saved the consumer money by stabilizing the price across the board and, therefore, consistency. I remember long before I served in the Senate, without this sugar program, there were dramatic fluctuations in the marketplace. People were going in and out of business. Confectionery producers and soft drink suppliers were arguing at one point that sugar was so dramatically high that they had to raise their prices, and then sugar fell dramatically, but those prices did not come down. U.S. consumers pay about 20 percent less for sugar than does a consumer in other developed countries of the world.

It is strange that I could use that figure—and it is a figure of fact, well established in the marketplace. Why don't other developed countries' consumers pay what we do? They buy on the world market. They buy, as the Senator from Arizona suggests, at a much cheaper price. The reason is the stability we have offered and, therefore, the averages that are very important to look at when you are looking at an overall price of the issue.

Do I support the program? Yes, I do. Am I apologetic for it? No, I am not. The reason is very simple. Over the years, we have worked to craft a program that balances itself out and, in large part, has paid for itself. As we work to create a more open market and phase these kinds of programs out, I will support those efforts, too.

It is very important for the whole of this country that I think we create that kind of stability. I hope we can do so.

At the appropriate time, I, or the chairman of the subcommittee, will move to table the amendment of the Senator from Arizona for the simple reason that we think it would destabilize the markets of this country. It certainly would have a dramatic impact on my State and the 1,000-plus farmers who make up the sugar portion of Idaho's agriculture production.

With that, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I rise, as well, in defense of this program. I rise in defense because I represent a State that is one of the most agricultural States in the Nation. The fact is, this program has helped stabilize an otherwise disastrous situation.

This chart shows what has happened to sugar prices since the most recent farm bill. This is what has happened to refined beet sugar prices. On this chart it looks like a cliff because it is. Prices have collapsed. If we did not have something to counter the cycle, we

would see mass bankruptcy in rural America. That is a fact.

The Senator from Arizona comes out and he reads clippings from various news articles. Unfortunately, those people know virtually nothing about what they are writing about. They say, over and over, that the world price of sugar is 8 cents a pound. Absolute nonsense. The world price of sugar is not 8 cents a pound. The vast majority of sugar in the world moves under long-term contract at much higher prices than the 8 cents a pound. About 18 cents a pound—that is what most sugar in the world sells for. What the Senator from Arizona is talking about is what is reported in the popular press—repeatedly—which is flat wrong.

The price they are talking about is not the world price; the price they are talking about is the world dump price for sugar. It is what sugar sells for that is not under contract that is hard to sell. That is a dump price. It is far below the cost of production. It does not represent what sugar sells for in the world. It is an absolute fiction.

Every time we have ended the program, what has happened to prices? Let's ask that question. Because the suggestion from the Senator from Arizona is, if you would end this program—you phase it out—prices to consumers would go down.

Let's have a reality check.

What has happened in the times we have ended the program? Did prices go down or did prices go up? You know what happened? Prices skyrocketed. That is what happened when the program ended. The fact is, this is a program that stabilizes prices. And that is critical to the survival of thousands of family farmers.

The Senator from Arizona talks about one large interest as though that represents the totality of producers. Let me say to the Senator from Arizona, and to those who write these articles that attack the program and talk about one small group with large economic resources, what they are not doing is telling the whole story and telling the American people that literally thousands and thousands of family farmers are dependent on the stabilization this program provides. That is a fact.

Come to my State. Go farm to farm. Meet these families. They are not wealthy people. They are people trying to make it in an environment in which the prices of the products that they make have plunged. Without this program to stabilize prices, there would be financial ruination all across the heartland of America. Is that what the Senator from Arizona advocates? Is that what he wants to have happen? Because assuredly that would be the case.

One of the things that gets missed in this debate is this notion that somehow the United States is an island unto itself and that we do not have to worry about what the rest of the world is doing. If one would pay a little attention to what the rest of the world is doing, what one would find is that the United States is giving support to its producers at a level much lower than our major competitors.

This chart shows what our major competitors are doing in terms of support for their producers—$324 an acre. Here is the support we are giving our producers—$34 an acre. By the way, these are not KENT CONRAD's numbers. These are numbers from the Organization for Economic Cooperation and Development.

Our major competitors are outgunning us 10–1. I would suggest the Senator from Arizona is recommending unilateral disarmament for our agricultural producers in what is, in effect, a trade war. He would never do it in a military confrontation—never. If the other side had 50,000 tanks, and we had 10,000 tanks, would the Senator from Arizona be out here recommending we cut the number of our tanks in half? Would that be the first move? I do not think so.

Mr. MCCAIN. Will the Senator allow me to answer his question?

Mr. CONRAD. After I complete my thought and presentation, I will be happy to.

Mr. MCCAIN. It is too bad the Senator will not yield.

Mr. CONRAD. No. I will be happy to after I complete my statement, as I allowed the Senator to complete his. I ask for the same courtesy from the Senator from Arizona as I extended to him.

We are outgunned 10–1. If our opposition had 50,000 tanks and we had 10,000, would the Senator from Arizona advocate cutting our number of tanks in half? That is exactly what we did in the last farm bill. They were supporting their producers at $50 billion a year. We were providing on average of $10 billion of support. And we cut our support in half.

I would be happy to yield to the Senator from Arizona.

Mr. MCCAIN. I say to the Senator from North Dakota, it is a frivolous statement. It has no connection to the estimated $1.5 billion. The Senator from North Dakota said that I have been quoting from newspaper articles, et cetera. The Senator from North Dakota usually relies on the GAO.

I have heard him quote from the GAO quite often. What the GAO is saying is the sugar program cost domestic sweetener users about $1.5 billion in 1996 and $1.9 billion in 1998.

If a foreign government was subsidizing anything—as they are Airbus; and the United States with Boeing—of course, I would take my complaint to the World Trade Organization and we would see about the outcome. I would not build further protectionist barriers for a private manufacturer of any product whether they be tanks or not.

The Senator from North Dakota recently espoused fervently that we means test the estate taxes, the so-called death taxes. There was great lamenting on the other side of the aisle about the fact that wealthy people would get off scot-free, and that we should not let them be completely absolved from estate taxes.

Will the Senator from North Dakota agree to a means testing on the amount of money so that the Fanjul brothers will not get $65 million a year of Arizona taxpayers' and North Dakota taxpayers' dollars? At least you could agree to a means testing of this, rather than 42 percent of all these subsidies going to 1 percent of the sugar growers in America.

So my answer to the question from the Senator from North Dakota: No, I would never agree to what he is saying. I would agree, however, to take the proper measures to remove protectionism on both sides of the Atlantic and all over the world. That is why I am a supporter of free trade.

Mr. CONRAD. I just say that the Senator from Arizona says he would not do something, but that is precisely what he is doing on the floor of the Senate—precisely what he is doing—engaging in unilateral disarmament on behalf of our producers, when they are already being outspent 10–1 by our major competitors, the Europeans.

What the Senator from Arizona says is: Let's just abandon our folks. We are going to play by a different set of rules. We are going to be purists on this side of the Atlantic. On the other side of the Atlantic, they get to take these markets the old-fashioned way. They get to go out and buy them. The result will be exactly what is happening, I say to the Senator from Arizona, whom I respect and admire.

I disagree firmly with him on this point. I respect and admire the Senator from Arizona; I make that clear. We have a spirited debate and discussion going here, and that is in the best tradition of the Senate. This has no personal feeling attached to it.

I want the Senator from Arizona to know, I think this is precisely wrong. The fundamental reason it is wrong is because this is not the way world agriculture is working. What is happening in world agriculture today is our major competitors are going out and buying these markets. If we don't give some assistance to our producers, what will happen is the other side will take market share, as they are. The USDA now projects that this year for the first year the Europeans are going to surpass us in world market share. Why? Because they are going out in a very concentrated, calculated way and buying market after market from us. If we are going to throw in the sugar market, as we have thrown in the wheat

market, as we have thrown in the barley market, pretty soon we will find an America that is second rate with respect to agriculture production. That would be a tragedy. It would be a mistake.

The Senator references the GAO report. GAO is not perfect. If we look at this report and study it objectively, USDA put a team together and looked at this report. They concluded the validity of the results are suspect and should not be quoted authoritatively. Here is a sampling of some of the words USDA career analysts used in describing the GAO report: naive, arbitrary, in error, inconsistent, inadequate, a puzzlement, inflammatory and unprofessional, not well documented, incomplete, unrealistic. In a nutshell, the instant experts at GAO compared the U.S. price—the same thing the Senator from Arizona has done, the 8 cents he quotes—to a world dump market price that is a fraction of the cost of producing sugar and assumed that if grocery chains and food manufacturers could have access to that dump market sugar, they would pass 100 percent of their savings along to consumers.

I have seen this over and over and over. It is an easy mistake to understand because people are writing about this industry who know nothing about it. They say over and over, the world price of sugar is 8 cents. That is absolute nonsense. It is not true. It is not accurate. That is the dump price for world sugar. It would be the same as talking about the world steel price and failing to look at all of the steel that sells to the automobile industry around the world under contract, instead to look at the dump market where just a fraction of world steel and world sugar sells.

It is economic know-nothingism, frankly, to make that reference. It is not reality.

We have very difficult issues to deal with in world agriculture. In our country, the No. 1 issue is right here. Are we going to let our producers get swamped by a flood of European money, by tough competitors who have made a determination that what they want to do is dominate world agriculture and they are going to do it the old-fashioned way. They are going to go out and buy these markets from us. That is what they are doing—$324 an acre of support on average versus our $34. If we want to continue to engage in unilateral disarmament and let American agriculture go right down the tubes, this is a good place to start, right here, today.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise to talk on this issue. It is an important issue to this country; it is an important issue to my State.

I suspect much of what I state may have perhaps already been said. Nevertheless, I think it is important that we take a continuing look at the facts of the issue. We have heard a lot of emotional discussion with respect to it. The fact is, we have been through this before. About every year we seem to go through the same discussion.

It does impact many people. It is not something where just a few rich people are involved. It provides 420,000 jobs in 40 States. Many agriculture communities are dependent on sugar production, as are some in my State. Frankly, it is one of the few products that is processed on to retail use. It comes out of the State ready to put on the grocery store shelf. Seldom does that happen in my State.

It provides a $26 billion annual economic activity and is a very high quality product, one that is changing. We talked about the candy and so on. Most of that comes from corn sweeteners. Nevertheless, it is very important. It is a very efficient industry; by world standards, we have the 18th lowest cost of production out of 96 producing countries, despite the fact that we have high-cost environmental standards and those kinds of costs.

As the Senator from North Dakota made quite clear, we keep talking about the ''world'' price. It isn't the world price. It is the dump price. Almost all the countries are subsidized. After they raise more than the subsidy applies to, it is dumped on the market. That needs to be understood.

We need to understand that consumers have benefited from this program. Retail sugar prices are virtually unchanged since 1990 and are 20 percent below the developed country average. It is about the most affordable in the entire world, as a matter of fact.

We have talked about taxpayer benefits. Until this year, the sugar program has been a zero cost program for 15 years, since 1985. It generated $279 million in revenue since 1991 that was paid by the industry into the Government. It is WTO, NAFTA compliant. Prices have been very low for the producers, very low in the industry.

Unfortunately, there has not been a passthrough. What we find is the grocery stores have not lowered their price. The price of sweetened products is up 7 to 9 percent. At the same time, the grower price has been down approximately 20 percent. We find a great deal of activity there.

We have heard several times about the GAO report. The Senator talked about that. Certainly, the findings of USDA were such that they confused the world market with the dump price, as was pointed out. They also assumed that the lower costs were being passed on 100 percent through the retail market. That is not the case. Even though I am a great supporter of GAO, that study was not one that has been particularly useful.

The wholesale price for refined sugar has been down, is down, 25.9 percent in the last 3½ years. At the same time, the price for refined retail sugar is about the same. Ice cream is up. Candy is up. Cookies are up. Cereal is up. We haven't seen that pass through to the product.

I will not continue to go through this. I think we have covered many of the facts. This is a very important industry in my State. Our sugar beet production is one of the most efficient in the world. We have three refineries. It is very important to us. We have been through this whole discussion before. I think we agreed, then, this is an important matter to the country, to agriculture. I rise in opposition to the amendment of the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I thank all of our colleagues who have engaged in the debate so far.

It is summertime in Washington so I guess that means it is sugar amendment time. The Senate essentially voted on this once before. It seems we do it every July and August, during the summer months. The exact same amendment was voted on last August 4. The Senate rejected the amendment by a vote of 66–33, a 2-to-1 margin. I think the reason it was rejected by such a large margin is that Members are finally beginning to understand the sugar program and what it really involves and why it has worked for so many years as a benefit both to producers and also to the consumers of sugar and sugar products. It is not a perfect program, but it is one that has improved over the years. I will make a couple of comments about it.

Before that, I want to mention the fact that not too far back, this Congress was really involved in the crisis involving the increase in gasoline prices. We talked about gasoline prices going up 25 cents a gallon, 30 cents a gallon, 50 cents a gallon, and everybody being in an uproar about it.

The sugar program has been at a loan rate of 18 cents since 1985. It hasn't gone up one-half cent since 1985. What I want to do is take a moment to try to explain, as briefly as I can, how the program works. We have had talk on the floor this afternoon about these ''huge'' subsidies being given to some wealthy family, I heard, somewhere in Florida. I have almost 700 sugar cane farms in Louisiana and the growers would be very surprised to learn there is a big subsidy program out there, because the sugar program is not a direct subsidy from the taxpayer by any stretch of the imagination.

What sugar farmers get is a loan, as other commodities also get, such as rice, cotton, and other farm products. The loan is 18 cents per pound for sugar. It is a non-recourse loan. What that means, simply, to people not in the agriculture business, is it gives

farmers the option of putting their crop under loan at harvest time. They have the option to either pay back the loan in dollars or, if the market price falls so low they cannot do that, they can forfeit their sugar to the Government as payment for the loan.

The interesting thing is that, since 1985, there has not been one single forfeiture under the loan program. Not one. Farmers have put their crop under loan and they have paid back the loan when the loan was due to the Federal Government. That is how the program works. There is no direct subsidy to make up the difference in a price, where taxpayers have to dip into their pockets to give to a sugar farmer. It is a non-recourse loan, which means they can either pay it back in dollars or forfeit the amount of sugar that they have put under loan.

Some would say, well, the sugar program protects domestic sugar by preventing sugar imports from coming into this country. That is not true. In fact, the sugar we are importing varies between 15 and 20 percent. It comes from 40 countries around the world. It is GATT legal. It comes into this country, under the program, from 40 different countries around the world.

Here is the thing that I think is really interesting, because I guess in addition to saying it is a huge subsidy program—which it is not; it is simply a loan program—is that somehow consumers are being harmed by this program. This chart, I think, is consistent with what Senator CONRAD from North Dakota was pointing out. We have a bar chart; I think he had a graph. It is essentially the same thing. This is data from the Department of Agriculture. It is not from the sugar industry; it is from the USDA. It indicates that it has been 3½ years since the start of the 1996 farm program when we put the new and improved program into effect.

The chart from USDA indicates that the prices for producers have fallen, and the consumer prices for sugar and sweetened products have risen. This shows sugarcane farmers in Florida, Louisiana, Texas, Hawaii, which produce the bulk of the sugarcane used for sugar. Since 1996, when we put the program into place, the price of sugarcane to the producer, to the farmer, has fallen 14.6 percent. These are USDA numbers. The prices for wholesale refined sugar, beet sugar, USDA tells us, have fallen 31.9 percent. These are USDA numbers. They show prices falling to the producers, the farmers of cane sugar, and prices falling to the producers of sugar from sugar beets.

You would think that if the price to the farmer is falling by 31.9 percent, in one case, and 14.6 percent for sugarcane farmers, my goodness, that must be great for consumers, right? Everything that uses sugar should have a corresponding fall in its price, right? Wrong.

Look at what happened to the price of sugar on the shelf. The price of sugar on the shelf has risen a very small amount, while the price for the people producing sugar cane and sugar beets has been drastically falling. But the price of sugar on the shelf has been on the increase when you would expect that it would be going down. Look at what happened. Here is where the complainers were. How many Members of Congress have gotten letters from people saying gas prices are too high? Probably quite a few of us. ''Do something, Senator. Gas prices are too high.'' How many people have gotten a letter from a housewife, or somebody running a home, saying, ''You know, my biggest problem is that I went to buy 5 pounds of sugar and it is so high I have to choose between clothes and shoes and sugar.'' Nobody is writing about that and complaining about the price for 5 pounds of sugar going through the roof. Do you know why? Because it is not.

Here is what has been happening. The people who use it—the large manufacturers who make candy—and I can name them, but I will spare them the embarrassment—have had their prices go up 6.4 percent, while a main ingredient, sugar, has been plummeting over here. Not the price of candy. A main ingredient's price has been going down, but the price of their product has been going up.

Cookies and cakes are big users of sugar. The most important thing in these products is probably sugar. Their prices have gone up 6.6 percent, according to the USDA, while the price of sugar, a main ingredient, has plummeted. Cereal? Big users. There are a lot of sugar-coated flakes for kids. Cereal prices have gone up 8.3 percent. The price of sugar to the farmer has plummeted.

The last one is ice cream. I love it. I would buy it no matter what it costs. It has gone up 9.8 percent. There is a lot of sugar in ice cream. What they are paying for the sugar is a lot lower than it used to be. Boy, their product price doesn't reflect that. If there are problems here, they are candy, cookies, cereal, and ice cream. It used to be the soft drink industry, but they got out and quit using sugar. Today the price of their product is more than it was when they were using sugar. And then look at the cans of artificially sweetened soft drink products and the cans of the naturally sweetened soft drinks; the price of an artificially sweetened soft drink is no less than the price of the one that is using the natural sweetener. Try to explain that when they say the real problem is sugar prices.

These are USDA figures, not mine and not sugar producers. Their prices have plummeted under the program. There is no direct Government subsidy. It is a loan. Sugar farmers have never forfeited one single loan since 1985. They have paid it back, and paid it back in dollars, and it has been the same loan rate since 1985. It has been 18 cents. That program, designed to help everybody, has seemingly not helped the farmer very much. But it is the only thing we have. Like every other product and commodity that we try to help in a balanced fashion, it has done that.

I will conclude by saying that this is the same vote we had last August. The Senate spoke very clearly then, 66–33. I hope that we will do the same thing today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, I guess I have been around this old business of agriculture about as long as anybody. We have seen high commodity prices and we have seen low commodity prices. Years ago, when we would get a high surplus of any type of commodity, the price went down and so did the price in the grocery store. We had to eat our way out of this thing, so to speak. It happened in livestock, pork and beef and chicken products. But that is not the case anymore.

I was interested in his chart showing how, even though the price of sugar has gone down, the prices of candy, cookies, other baked goods, cereal, and ice cream has continued to go up. I don't want anybody fiddling with my ice cream. I like it like it is. If it goes up a little bit, that is OK. But don't come back and say if all of the support is taken away from sugar, the prices will go down in the store. It doesn't work with this product. It was about a year and a half ago that live hogs hit an all-time low and got down to around 10 cents a pound. Yet, when I went to my grocery stores out here in Springfield, VA, and back in Billings, MT, guess what? Boned out, double-cut pork chops were still around $5 to $6 a pound.

Folks, I don't know how sharp your pencil is. But that ''don't pencil.'' That just ''don't pencil.''

We are looking at a program that has cost the taxpayer virtually nothing. Yet it sustains many small farmers. Sure, there are a couple of big ones down in Florida. But there are a couple of big ones in everything. For the most part, this is support for farmers in the Big Horn Basin of Wyoming and the Yellowstone Valley between Billings and Sidney. It keeps them in business.

I ask the American people, when it comes to farm programs or insurance, do you insure your car? Yes. You do. Do you insure your house? Yes. You insure your house. Do you insure your life? Yes. We do that. I look upon this as just a little insurance policy. It doesn't cost us very much money, but it ensures that your grocery stores will be full of the most nutritious and safe food of any grocery store in the world

and priced less than the percentage of the disposable income of any other place in the world. That is a pretty good insurance policy. We don't have to garden. We don't have to plant, or seed, or weed, harvest, or process. We can continue to do what we want to do in our profession. It is guaranteed that you are going to have that supply in any amount and fixed in any way and processed in any way.

We already talked about the numbers. But we are basically looking at people who have a great deal on the line. They risk a lot. They are subject to the elements. They have no control over that. They have no control over the retail end of the product—none whatsoever. If we are going to keep this very efficient food machine alive, this is the insurance policy that we all have. It serves this country very well.

I suggest that you not support the amendment offered by the Senator from Arizona. It is well intentioned. As the Senator from Louisiana said, it is indeed July.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I see my friend from North Dakota on the floor. Of course our entire relationship is characterized by respect. Obviously he makes a strong case for his point of view. I not only respect but I appreciate and enjoy the verbal exchanges we have from time to time. He is a worthy adversary. I will not take very long.

It was alleged that marketing assessments are large amounts of money. That is true. I believe it is $272 million or something such as that. But I think it is appropriate to mention that those marketing assessments in last year's omnibus bill were done away with. The sugar producers do nothing to address the budget deficit. I think an argument can be made that this Senator from Arizona may not be the most expert on agricultural issues. I plead guilty to that. I believe there are other issues in which I am better informed.

A cosponsor of this amendment is the chairman of the Committee on Agriculture, Senator LUGAR. Senator LUGAR is in support of this amendment. I am honored that the chairman of the committee is in support of this amendment. I think his viewpoint should also be taken into consideration, particularly with more gravity than mine.

There was a study conducted by the Center for International Economics. It was prepared as part of the trade agenda and conference on the 1st and 2nd of October 1999 in Geneva. I will read the beginning of this study:

> If ever there was a case for multilateral trade liberalisation, and if ever there was a liberalisation from which the global economy stood to gain, it is sugar. The world sugar market contains some of the largest and most blatant forms of trade protection. Many of these have a 300 year history. The worst of the worst are in developed countries. They greatly distort trade and prices. Although the world economy, consumers and efficient sugar producers stand to gain substantially from liberalisation, some producers, especially those in developed countries, stand to lose. And herein lies a political challenge—there are large vested interests that are likely to oppose sugar trade liberalisation. In the Uruguay Round these vested interests won hands down. Should they win again, they are likely to further undermine developed country credibility in the WTO and the WTO itself. Ultimately countries unilaterally liberalise trade. The best that multilateral forums can do is to assist that process. The biggest gains in trade liberalisation come form reducing the biggest distortions first. Giving prominence to sugar and other highly protected products in the WTO millennium round makes economic sense. Such prominence is also needed to help counter the vested interests opposed to reform.

They go on to say:

> This taxation of consumers and protection of producers is highest in Japan, Western Europe and the United States.

We are the leading proponent of free and open trade. The United States has an enviable record, whether it be the North American Free Trade Agreement. Whether it be expansion of economic trade relations with China through Democrat and Republican administrations, we have been in pursuit of free trade. Clearly, we lose credibility when we stand as one of the highest protectionists for our sugar industry.

I say again with respect to my friend from North Dakota and the opponents of this amendment that I will be glad to work with them at least to means test this subsidy. Why in the world should one family get $65 million in subsidies? That is remarkable when you think about it. Adding to that, they are harming the Everglades. Every objective study indicates that the runoff from pesticides and other pollutants in the Everglades is dramatically damaging the Everglades. Yes. The sugar companies are paying some money, but in comparison to the overall cost, the estimated cost of fixing the Everglades is minuscule.

I am not without sympathy for the farmers in North Dakota. I am not without sympathy for the farmers in Montana, Louisiana, and Idaho. But when they are encouraged to grow a crop which they would not grow if it were not for the subsidies, and in addition in some parts of America they are doing damage to our environment, then it is time we said enough.

Again, I strongly support a proposal to means test and to phase out these sugar subsidies. We phased out a large number of subsidies when we passed the Freedom to Farm Act. I would agree that the Freedom to Farm Act has had very mixed results. In fact, there are questions raised by many.

We eliminated and phased out wool, butter, cheese, powdered milk, and other dairies. We capped cotton and reduced peanuts, wheat, and others. But we retain two quite remarkable products; that is, sugar and tobacco. I promise not to bore my colleagues with a tirade about tobacco. But the fact is that the sugar subsidy is one which needs to be eliminated. I think we all know that.

It is my understanding that the Senator from North Dakota, Senator DORGAN, after his remarks, will make a motion to table. I am certainly in agreement with that, or if there are other speakers, I would be glad to join into a time agreement, whatever is agreeable, with the Senator from Mississippi and the Senator from Wisconsin.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am happy to oblige the Senator from Arizona and set up a unanimous consent agreement to limit time, if there are other Senators who want to speak.

I see the Senator from North Dakota on his feet. I assume he wants to speak on the amendment. I know of no other Senators who wish to speak who have not already spoken.

Senator CRAIG indicated an interest in making a motion to table the McCain amendment. We are about at that point where we are ready for a motion to table the amendment.

I will yield the floor if anyone wants to speak on the amendment.

Mr. MCCAIN. Mr. President, I ask the indulgence of my friend for a unanimous consent agreement that has been cleared on both sides.

The PRESIDING OFFICER. Is there objection?

Mr. COCHRAN. Reserving the right to object.

Mr. MCCAIN. This allows the Commerce Committee to meet off the floor for the purposes of approving the nomination of Mr. Norman Mineta to be the Secretary of Commerce.

Mr. COCHRAN. No objection on this side.

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

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. MCCAIN. I ask consent, notwithstanding any rule or other order, it be in order for the Commerce Committee to meet in executive session for the purpose only of reporting nominations to the Executive Calendar. Among those nominations is that of Mr. Norman Mineta, former Congressman and nominee to be Secretary of Commerce, immediately following the next rollcall vote.

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

Mr. COCHRAN. In the spirit of the unanimous consent agreement, let me try this: I ask unanimous consent the Senate vote on or in relation to the McCain amendment at 2 o'clock.

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

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I come to the floor to oppose the amendment offered by my colleague and friend from Arizona, Senator MCCAIN. I want to talk about a number of things that have been discussed about sugar, the sugar program, in this amendment.

First, let me talk about ''free trade.'' There is not free trade in sugar around the world. It is not the case that the price that is described as the world price for sugar represents a free trade price. It is a fact that most sugar that is bought and sold around the world is bought and sold on contracts between countries. The quantity of sugar that is produced above that is sold on the dump market for dump market prices, but most sugar is traded or sold between countries on contract. So the price that is quoted as the world price for sugar is not the world price for sugar at all. That is a myth. That is No. 1.

No. 2, the issue of who is getting a subsidy; is someone getting a large subsidy? There aren't any subsidies. This is not a program that has a subsidy. This is not a program in which the taxpayer is taxed and money comes to the Federal Government and money is given to a producer. There are no payments to producers. There are no subsidies. That is the second point.

There are forces that have wanted to abolish the sugar program for some long while. The sugar program is not a program that gives a payment to a producer. It does create a circumstance of balance between production and imports in order to achieve a domestic price that provides stability for consumers and stability for producers. Some don't like that. Who are they? Well, they call themselves the Coalition for Sugar Reform. Who or what is the Coalition for Sugar Reform? Anyone can guess that. The American Bakers Association, the National Confectioners Association, the Biscuit and Cracker Manufacturers Association, the Chocolate Manufacturers Association, the Independent Bakers Association.

Let's look at these groups. The price of sugar has dropped 30 percent since last summer, to a 22-year low. The price of sugar has dropped by a third. Anyone who listens to me should ask themselves, have I purchased a candy bar lately? If so, did I see a reduction in the cost of the candy bar? Did I buy a can of soda? If so, was it cheaper than it used to be? The answer, clearly, is no. Sugar prices have dropped by 30 percent. Chocolate and candy prices are up by 6 percent. Cookies, cakes, and other bakery products are up by 7 to 8 percent. Cereal and ice cream prices are up by 9 percent. Buy just a bag of sugar at the store and see whether it costs 30 percent less.

Let's figure out where sugar comes from. It comes from a family farm in the Red River Valley of North Dakota. This family raises sugar beets. They buy a tractor, they buy other equipment with which to plant the seeds; then they buy fuel, they buy fertilizer, they get up in the mornings and gas up the tractor and go break the ground. They do the things farmers do. They take all the risks. They do all the work. And then they hope. They hope something doesn't happen to the crop. They hope it doesn't get burned out, flooded out, or have disease. If all of those hopes are realized, maybe at the end of the year they get a crop—maybe.

After risking all their money and working all year, if they get a crop, then maybe they get a crop that has a price above the cost of production. But maybe not.

Some say: It doesn't matter who is producing these things; we really don't care—talking about the organizations, the Coalition for Sugar Reform—we don't care where it comes from; we just want to get the world price for sugar, the dump price for sugar.

What is the result of that? The result means devastation of family farms in many parts of this country—those families who are out there trying to earn a living as best they can, whose fortune, whose future is based on events around the globe over which they have no control and whom these organizations would like to link to the world dump price for sugar. They can't make it. They wouldn't make it.

We have to ask the question, Is it reasonable for us in this country to decide we want to do a couple of things at once? One, provide stable prices for sugar for the American consumer. We have done that. U.S. retail prices for sugar are virtually unchanged for more than a decade. How many prices exist on the grocery store shelf where we can say that price is largely unchanged for an entire decade? Not very many. Sugar, we can.

Why is it we have price stability for consumers? It has not always been that way. We have seen times when the price of sugar has spiked up, up, way up. The sugar program has provided stability of price for the consumer. At the same time, it has tried to provide some basic stability of price for the producer that takes the risk of producing. Some don't like that. They say producers don't matter much here. They do matter. They are part of the economic backbone of this country. They are the salt of the Earth. The folks who are out there trying to make a living on America's family farmers—and yes, I say to those questions, yes, they are family farmers. If you doubt it, come with me and I will take you to a few. We will drive in the yard, see the equipment, talk to the family. These are family farmers producing sugar beets.

On another point about how well they do, the cost of production for sugar in this country is well below the cost of production in the world average. In fact, we have the lowest cost of beet sugar producers in the world. Yet they couldn't compete against dumped sugar at dump sugar prices. Should they have to compete in a global economy against dump sugar prices? The answer is no, of course not.

We ought to be willing to stand up for this country's producers. I am not at all embarrassed, and I will never be embarrassed, for standing up for the economic interests of America's producers, to say to them, you deserve an opportunity to have a fair return. That is what this program is all about. In my judgment, this amendment ought to be tabled by this Senate. I believe it will be tabled. I have a series of charts, but I think my colleague from North Dakota, Senator CONRAD, and Senator BREAUX and Senator CRAIG and others have used the charts. They show prices. They show what has happened to our producers—a devastating price collapse.

Let me make one other parenthetical point. It seems to me, if you are going to start dealing with farm issues, the last thing you would want to do is go to one part of the farm program that historically has worked pretty well. We have had some problems with it in recent months for a number of reasons. Historically, this program has been the one part of the farm program that has worked. It seems to me you would not go to that one and take that apart. Make the rest of them work as well. But I think it is interesting that the same people who are the Coalition for Sugar Reform, they have one common ingredient in the things they produce—grains, oilseed, dairy and sugar. In every circumstance, the return for these commodities to the people who produce them—the people who get up in the morning, do all the work, do the chores, spend the day in the field, harvest the crops, and take all the risks—in every circumstance, we have seen a substantial decline: Wheat, corn, soybean prices less than half what they were 4 years ago; milk prices a little more than half what they were a year ago; sugar prices down by a third.

That is not, in my judgment, what this Congress, what this Senate ought to be expecting to have happen for our producers. I hope we will decide today, by an overwhelming margin, to table this amendment.

Let me end as I began. I have great respect for the Senator from Arizona and others who may feel the way he does. I do not in any way suggest what he is doing is something he does not believe passionately about. But I believe very strongly this amendment ought to be tabled. This Congress ought to be about the business of strengthening the sugar program and making that sugar

program work as it has worked for so many years, not taking it apart. This is not a circumstance where our farmers are competing in free trade. There is not free trade in sugar. It is not a circumstance where farmers are getting a subsidy. There is no subsidy paid to sugar producers. It is a circumstance where this is a program that deserves the support of the Senate this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, it is my understanding we have a unanimous consent agreement to hold a vote on or about the McCain amendment at 2 o'clock, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. CRAIG. With that in mind, Mr. President, I move to table the McCain amendment. I ask for the yeas and nays.

Mr. CONRAD. Will the Senator withhold? I would like to have another chance to speak.

The PRESIDING OFFICER. The vote is not to occur until 2 o'clock.

Mr. CRAIG. Can I not register that at this time, with the intent that it occur at 2 o'clock? That is my intent, not to shut off debate but simply to register a motion to table at this time.

I call for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. DORGAN. Mr. President, does that allow debate to continue?

The PRESIDING OFFICER. It does.

Mr. CRAIG. It would allow debate to continue.

Mr. DORGAN. I was intending to offer the motion to table. I understood the Senator from North Dakota wished to speak. I think, if the Senator from Idaho is offering the motion to table, as long as there is debate time remaining, I support that.

Mr. CRAIG. There is time remaining for this or other amendments.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

Mr. ENZI. Mr. President, I rise today in opposition to the amendment introduced by the Senator from Arizona, Senator JOHN MCCAIN, to strike funding for the sugar program. I cannot stress enough how important this program is to the sugar beet growers in my state of Wyoming and agricultural communities throughout the nation.

The sugarbeet farmers in Wyoming are already facing hard times. Almost one sixth of the sugar acreage in my State was just ravaged by a hailstorm and some fields are facing a complete loss. Since last summer, there has been a 30 percent drop in sugar prices to approximately $0.19 per pound—a 22 year low. And this October, Mexico is scheduled to increase its sugar exports to the American market tenfold, to 250,000 metric tons. And now we are considering dropping the sugar program. This amendment simply kicks these farmers while they are down, taking away what little price stability there is in their business.

I would like to share with you a letter I just received from Wade Steiger, a sugar beet farmer in Frannie, Wyoming. Mr. Steiger writes ''Dear Senator, I am currently in the sugar production business in the state of Wyoming and am wondering if I should remain in the business. What I need from you is your best assessment of the current mood in the body politic as to the direction of U.S. sugar policy * * * With the deck stacked against me like this, it would seem foolish to remain in the sugar business.''

Frankly, I'm not sure what to tell him. I know what I would like to tell him. I would like to tell him that we in Congress are committed to making sure that he will be able to get a fair price for his product and that we understand the cyclical nature of his business and that there is a need for a progrma—a no-cost program—that offers a little stability to sugar prices. If this amendment passes, I will have to tell him otherwise.

The sugar program has operated at no cost to the federal government since 1996 and the sugar purchase is not an outright payment to producers. This program covers the cost of purchasing surplus sugar which the government can then turn around and sell at a later date to recoup what is sometimes a large part of the up-front cost. Moreover, the sugar industry has already more than covered the cost of these purchases, with over $279 million paid into the U.S. Treasury during the 1990's in a special sugar marketing tax.

Without this program, year-to-year supply changes caused by natural factors will lead to such price fluctuation that the profitability of sugar production would be too volatile for most farmers to stay in business. I believe that the government has a role to play in stabilizing commodity prices, especially when the program operates at no net cost to the taxpayers, as is the case with this program.

The U.S. produces beet sugar more efficiently and at a lower cost than any other country in the world, but currently these producers are at a disadvantage on the artificial world market. If every government around the world stayed out of the sugar production business, we wouldn't need a program to keep our farmers competitive. But the fact is that world sugar production is heavily subsidized, and it simply does not make sense for us to send U.S. jobs overseas by destroying our own sugar program.

I have the utmost faith in my farmers back in Wyoming, that in a truly free market they could grow sugar more efficiently and profitably than anyone else in the world. But because of subsidies paid to protect less efficient farmers in the European Union, Brazil and other countries, the world dump market prices have averaged only about half of the price it would be in the absence of subsidies.

The E.U. remains committed to pouring money into a sugar support program that holds its prices at approximately $.31 per pound.

Brazil's sugar production exploded in the past twenty years in the wake of its subsidy to produce ethanol from cane sugar. As Brazil has cut back its ethanol subsidy, the cane has been used to produce sugar and since the mid-1990's, it sugar production has doubled and its exports have tripled—all through its generous subsidies.

In their race to produce subsidized sugar, Brazilian farmers have also had the benefit of far lower labor and environmental standards than American sugar farmers. Brazil's cane industry turned valuable forest land into farmland and continues to employ tens of thousands of children in the dangerous work of cutting cane.

I believe the time has come to draw the line in this constant attack on rural America. This is not about farm welfare. This is not about protectionism. This is about giving our family farmers like Mr. Steiger a fair shake. I urge my colleagues to support a no-cost program that benefits these farmers and oppose this amendment.

I ask unanimous consent that Mr. Steiger's letter be printed in the RECORD.

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

WADE STEIGER,
Frannie, WY, July 3, 2000.

DEAR SENATOR: I am currently in the sugar production business in the state of Wyoming and am wondering if I should remain in the business. What I need from you is your best assessment of the current mood in the body politic as to the direction of U.S. sugar policy. As I read the current policy, the Mexicans will have free access to the U.S. market in the near future, and the Mexicans have just signed a NAFTA-like deal with the E.U. Under this arrangement the E.U. will have access to a U.S. taxpayer supported U.S. sugar market and would therefore effectively be getting a subsidy from both their own government as well as ours. With the deck stacked against me like this, it would seem foolish to remain in the sugar business.

My read on the political mood is that the sugar industry has been laid on the altar of free trade and, if politically expedient, will be sacrificed. I need to know if you or any of your colleagues intend to do anything to change the current situation before I decide whether or not to continue in this business. I understand that giving a straight answer to this question is politically risky, but I would appreciate an answer with a minimum of political ''cover your ass''. I am willing to take an answer in a non-recordable fashion, but I prefer that you take a clear stand on the issue.

Sincerely,

WADE STEIGER.

Mr. AKAKA. Mr. President, we are again debating the amendment by the Senator from Arizona. My colleagues may recall that this body rejected an identical amendment last year by a vote of 66–33.

As I mentioned on the floor last August, the sugar program remains a great bargain for the American consumer. It's also one of the least expensive food items you will find in an American kitchen. Sugar is probably the best bargain you can find at the grocery store today. American sugar farmers and the U.S. sugar program help make sugar affordable.

Consumers elsewhere around the globe do not enjoy the low prices we have in America. If you visit a grocery store in other industrialized nations you will get ''sticker shock'' when you pass the sugar display. Thanks to a farm program that assures stable supplies at reasonable prices, sugar is a remarkable value for American consumers. U.S. consumers pay an average of 17 cents less per pound of sugar than their counterparts in other industrialized nations. Low U.S. prices save consumers more than a billion dollars annually. That's why I say that the sugar program is a great deal for American consumers. Thanks to the sugar program, U.S. consumers enjoy a plentiful supply of sugar at bargain prices.

I urge my colleagues to reject this amendment. If Congress terminates the sugar program, not only will a dynamic part of the economy disappear from many rural areas, but consumers will also lose a reliable supply of high-quality, low-price sugar.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I will go back to some of the things that were said here so the RECORD is crystal clear. When the Senator from Arizona says there are massive subsidies being paid to sugar producers, it is just wrong. That is not the way the sugar program works. There is not one nickel of payment made by the Federal Government to sugar producers—not one, not a penny. It is not a subsidy program here. That is not the way it works.

That is part of the problem we have. We have people who do not know the program—really do not know the economics of world agriculture, really know nothing about the sugar industry and the sugar program—out here trying to pass laws that would have draconian, dramatic effects. They really are ill-informed. I don't know a nicer way to say it.

When they say the world price of sugar is 8 cents, it is an absurdity. It costs 16 cents to 18 cents to produce sugar. How could the world price of sugar be 8 cents? It is not the world price of sugar, as has been said on the floor. The vast majority of sugar in the world sells under contract and those contract prices are not part of the calculation of what the Senator from Arizona calls the world price of sugar. That is excluded from those calculations. So when they talk about a world price of sugar, that is not the world price; it is a dump price. It is that sugar which is left over which is a small part of the world sugar supply that sells that was not part of a contract. It is not a world price. That is a misnomer. It is factually incorrect.

Now let's go to the underlying assumption. The underlying assumption is that somehow the rest of the world is engaged in free market economics with respect to agriculture production. False. That is not even close to being right. Our major competitors, the Europeans, are spending about $50 billion a year to support their producers—$50 billion. Here are the comparisons. This is from the Organization for Economic Cooperation and Development. They are the ones who are in charge of keeping score on the question of who supports their producers at what level. Here is the European Union, our major competitor. They are supporting their producers on average $324 an acre. Here we are: $34 an acre. They are outgunning us 10 to 1.

What the Senator from Arizona says to us is we ought to cut this some more. We ought to cut our level of support even further. Let's engage in total unilateral disarmament in this world battle over agriculture markets.

What sense does that make? We tried that in the last farm bill. In the last farm bill, we cut our support for producers on average from $10 billion to $5 billion. We cut it in half on the theory that was going to be a good example for the Europeans and they would similarly reduce their support.

What happened? They did not cut their support by a nickel. Instead, they stayed steady on course, buying up world market after world market. The USDA tells us they are going to surpass the United States in world market share for the first time in anyone's memory. That is where we are headed. We are headed for a circumstance in which America, which has dominated world agricultural trade, is headed for the No. 2 position. And the Europeans believe, as they have told me, we are so prosperous that we will not fight back and, in fact, we will give up these markets.

I say to the Senator from Arizona, he would never engage in unilateral disarmament in a military confrontation. Why is he insisting on it in an agricultural market confrontation? It makes no sense. Here we are, outgunned 10 to 1, and he wants to make it an even greater disparity; to say to our producers: We abandon you. We wave the white flag of surrender; we want the Europeans to take over these world agricultural markets that have long been ours.

We have to quit being naive on what is going on in world trade. It is not free market. It is not free trade. It is managed trade; it is managed markets; it is a heavily subsidized battle over world market share. That is what is going on. We can choose to give up and run to the sidelines and give in or we can fight back. I hope the United States decides to fight back. I hope we decide we are not going to abandon our producers and allow our major competitors, the Europeans, to dominate world agricultural trade. In the long term, that would be an economic disaster for this country and certainly for the tens of thousands of farmers all across America who are dependent on the wisdom of this body to recognize what is happening, and to stand by their side and be ready to fight because I can assure you, that is what the Europeans are doing. They are fighting for world market share.

As one of the top Europeans described to me: Senator, we believe we are in an agriculture trade war with the United States. We believe that at some point there will be a cease-fire in this trade war, and we believe that whoever occupies the high ground will be the winner.

The high ground is world market share. They have told me at some point they think there is going to be a cease-fire, and whoever occupies the high ground will be the winner, and the high ground is world market share. That is what this is all about. The Europeans are aggressively spending to gain world market share to be in a position of world dominance in agriculture, and that strategy and that plan is working.

If one looks at the trend lines over the last 20 years, one will find the Europeans have gone from being the major importing region in the world to the major exporting region today. They have done it in 20 years. They have done it by discipline. They have done it by a plan. They have done it by a strategy. They are counting on us not to be paying attention. They are counting on us to give up. They are counting on us to give in. They are counting on us to wave the white flag of surrender.

I pray this body does not go any further down this road of unilateral surrender in world agriculture because we have already given up too much. The Europeans support their producers $324 an acre. The United States supports its producers $34 an acre.

The Senator from Arizona said: Let's make this disparity even greater. That is a disaster. That is a disaster, and we have the chance to stop it by this vote at 2 o'clock. I hope we take the opportunity.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside for the purpose of

Senator WELLSTONE offering an amendment.

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

The Senator from Minnesota.

AMENDMENT NO. 3922

Mr. WELLSTONE. Mr. President, I call up amendment No. 3922.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself, Mr. HARKIN, Mr. DASCHLE, and Mr. FEINGOLD, proposes an amendment numbered 3922.

Mr. WELLSTONE. 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:

(Purpose: To provide increased funding for the Grain Inspection, Packers and Stockyards Administration for investigations of anticompetitive behavior, rapid response teams, the Hog Contract Library, examinations of the competitive structure of the poultry industry, civil rights activities, and information staff, with an offset)

On page 9, line 6, strike ''$67,038,000'' and insert ''$63,088,000, of which not less than $12,195,000 shall be used for food assistance program studies and evaluations''.

On page 23, line 21, strike ''$27,269,000: *Provided,*'' and insert ''$31,219,000: *Provided,* That not less than $3,950,000 shall be used for investigations of anticompetitive behavior, rapid response teams, the Hog Contract Library, examination of the competitive structure of the poultry industry, civil rights activities, and information staff: *Provided further,*''.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Senators HARKIN, DASCHLE, and FEINGOLD be added as original cosponsors.

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

Mr. WELLSTONE. Mr. President, before proceeding, I say to the Senator from Nevada, the Democratic whip, if we have a vote at 2, I believe I can finish with my presentation on this amendment and I will be pleased to go to another amendment right after the vote if my colleague wants me to move this along.

Mr. REID. Mr. President, I say to my friend from Minnesota —Senator COCHRAN is not here—we have been alternating back and forth. We appreciate the cooperation.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I will do this amendment and if there is a Republican amendment next, I will then follow that next Republican amendment.

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

Mr. WELLSTONE. Mr. President, I rise to offer this amendment, again, with Senators HARKIN, DASCHLE, and FEINGOLD, about competitive markets. I am hoping there will be a strong, if you will, free enterprise, pro-competition vote for this amendment, especially when it comes to looking out for the interests of our producers, in particular our Nation's livestock producers.

This amendment will fully fund the President's budget request for the Grain Inspection, Packers, and Stockyard Administration, called GIPSA, funding they need to look at market concentration.

What we see right now—and it is a disturbing trend in our economy and certainly a disturbing trend in the food industry—is an increasing concentration of power. We see inadequate price information both for producers and consumers. We see lack of competition. We see anticompetitive practices. Consequently, GIPSA has been asked to assume a more prominent role, as they should, in ensuring competitiveness—that is all this amendment is about—and fairness in the livestock industry. GIPSA is conducting a growing number of investigations on market concentration in agriculture, and they should be doing just this work. The point is, they should be adequately funded to do the job.

What this amendment does is ensure GIPSA has the resources to meet these additional responsibilities, and it increases funding for GIPSA—I say to Senators and staff, Democrats and Republicans, who are listening—by a total of $3.95 million to fund these essential programs. I am going to list these programs in a moment.

I recall a gathering I attended in Iowa. Senator HARKIN I believe was there. Senator GRASSLEY was there. At this gathering, we had one family farmer after another basically saying: Where is the Packers and Stockyard Administration? Why are they not involved in representing us? Where are they as we see more and more of these conglomerates taking over more and more of the market and we do not have the opportunity to compete? They should be doing their job.

What we heard in return from Mike Dunn was: We will do the job, but we need the resources.

That is what this amendment is about: making sure they have the resources to do the job they are supposed to do by virtue of the law of the land.

What will the amendment do? It will add $1.2 million for anticompetitive behavior investigations. This is to look at what is going on in the industry and aggressively pursue especially investigations into anticompetitive activity in the livestock industry.

There will be $1.3 million for rapid response teams. This will enhance GIPSA's effectiveness in addressing major investigative issues of immediate concern when it comes to anticompetitive practices or trade practice issues.

It will allow for $200,000 for the hog contract library. This will be used to comply with section 22 of the fiscal year 2000 Ag appropriations bill. This is the mandatory price reporting.

There will be $800,000 to examine the competitive structure of the poultry industry which will permit GIPSA to expand its activity in the poultry market to take a close look at characteristics of markets for poultry grower services.

There will be $100,000 for civil rights activities which will allow GIPSA to resolve its backlog of EEO complaints and to increase emphasis on proactive efforts to maintain EEO goals and objectives. All of us are familiar with the grievances and the just cause of many African American farmers in our country.

There will be $350,000 for information staff at GIPSA that will enable them to develop new educational programs which will be targeted to small and socially disadvantaged farmers and improve relations with producers.

This is a modest amendment. There should be strong support for this amendment. It is all about putting some free enterprise back into the free enterprise system. It is all about being on the side of our producers.

It simply says: Let's get the funding up to the administration's request. I think we should be doing much more than this, and I hope that by the end of this Congress—in fact, I do not hope, it absolutely has to happen—we will pass the Farmers and Ranchers Fair Competition Act which has been introduced by Senators DASCHLE and LEAHY, and a number of others of us who have worked on this as well. Really, what we ought to be talking about is some legislation that makes antitrust action a reality in this country. In the food industry we need it.

When I travel in the countryside—and I do quite often—the one issue on which farm organizations agree—they don't agree on many—the one issue that brings farmers and rural people together is that we need to have more competition. We need to have some antitrust action. These conglomerates have muscled their way to the dinner table, and they are forcing us out.

I do not know why we are so slow to take up this cause.

Let me give this amendment a little bit of context.

In the past decade and a half, we have seen an explosion of mergers and acquisitions and anticompetitive practices with record concentration in American agriculture.

The top four pork packers have increased their market share from 36 percent to 57 percent.

The top four beef packers have expanded their market share from 32 percent to 80 percent.

The top four flour millers have increased their market share from 40 percent to 62 percent.

The market share of the top four soybean crushers has jumped from 54 percent to 80 percent.

Forty-nine percent of all chicken broilers are now slaughtered by the largest four firms.

The list goes on and on.

The four largest grain buyers control nearly 40 percent of the elevator facilities in the country.

The result of this is that you have had this surge of concentration. You have these conglomerates which have a tremendous amount of power, you have GIPSA which does not have the resources to do the job, and you have the Senate that has not passed a strong piece of legislation that calls for antitrust action. As a result of that, the farmers, everywhere they turn, don't get a fair shake. When they look to whom they buy from, it is a few large firms that dominate the market. When they look to whom they sell to, it is a few large firms that dominate the market.

Everybody in this Chamber knows that if you are at an auction, you are more likely to get a good price when there are a lot of bidders. I think all of us are for competition. We need to have more competition, but we need to have a level playing field for our producers.

I want to report on both the horizontal concentration, that was reflected in the statistics I mentioned, but also the ways in which we have the vertical integration.

Take the pork industry. Pork packers are buying up what is called captive supply—hogs that they own or have contracted under marketing agreements. If this trend continues, you are going to see grain, soybean production—it will be basically from the very beginning, from the very point level of production, all the way to the supermarket.

The problem with this kind of vertical concentration is it destroys competitive markets. Potential competitors often don't know the sale price for the goods at any point in the process. There is no price discovery—essentially no effective competition. If it continues at the current pace, we are going to basically have all the industry dominated this way.

Moreover, the vertical integration stacks the deck against the farmers.

In April 1999, there was a report from the Minnesota Land Stewardship Project that found: Packers' practice of acquiring captive supplies through contracts and direct ownership is reducing the number of opportunities for small- and medium-sized farmers to sell their hogs. With fewer buyers, and more captive supply, there is less competition for our independent producers.

I want to make sure we can at least get this additional $3.95 million to GIPSA so they can do the job of being there on the side of producers, so they can do the job of investigating potential or real anticompetitive practices.

It is a modest amendment, but it is hugely important to family farmers.

Leland Swensen, president of the National Farmers Union, recently testified—he is right—

> The increasing level of market concentration, with the resulting lack of competition in the marketplace, is one of the top concerns of [American] farmers and ranchers. At most farm and ranch meetings, market concentration ranks as either the first or second in priority of issues of concern. Farmers and ranchers believe that lack of competition is a key factor in the low commodity prices they are receiving.

Some of these big packers are raking in record profits while our livestock producers are facing extinction. The farm/retail spread, as every Senator from every agriculture State knows, is growing wider and wider and wider, between what our producers get paid for what they produce and what consumers pay. There is a whole lot of money and a whole lot of profit that is made in the middle. I do not mind that, but I would like to see the livestock producers and our other producers in our farm States get a fair shake.

If there is one thing farmers ask for more than anything else, it is a level playing field. If there is one thing they are worried about, it is this increasing concentration. We ought to be able to get this additional money to GIPSA.

The vote on this amendment is all about whether or not we are willing to be there on the side of these family farmers, whether we are on the side of making sure we deal with anticompetitive practices, and whether we take their concerns seriously.

One of the reasons I bring this amendment to the floor—yes, the administration asked for this additional $3.95 million. I remember the meeting in Iowa with Senator GRASSLEY and Senator HARKIN. And I remember Mike Dunn saying: Give us the money to do the job. That is true.

As I have said, these conglomerates have muscled their way to the dinner table, and they have pushed our producers out. We have too few firms that dominate too much of the market, and we do not have enough competition. That is what this is about. I have said that.

But I also want all Senators to understand that this amendment is also offered in the context of the record low prices and the record low income. To tell you the truth, the AMTA payments are the only reason some of our producers are able to continue, although those payments all too often amount to a subsidy in an inverse relationship to need, and farmers are still demanding a decent price.

But the whole issue of price, the whole issue of producers getting a fair price, is highly correlated to whether or not there is going to be some competition. It is highly correlated to whether or not we are going to take antitrust action seriously.

There is a reason we passed the Sherman Act in the late 1800s. There is a reason we passed the Clayton Act in the early 1900s. The reason is, to be there on the side of our producers.

This amendment is a small amendment. It is a modest amendment. But I think it puts Senators on record as to whether or not we are serious about antitrust action.

The health and the vitality of rural America, our communities—I say to the Presiding Officer, who knows quite a bit about agriculture, coming from the State of Illinois—is not based upon the number of acres of land that someone farms; it is not based upon the number of animals someone owns. The health and the vitality of rural America is based upon the number of family farmers who live in the community, because when family farmers live in a community, somebody is going to own the land; no question about it.

We will always have an agriculture industry. We are always going to have a food industry. What is a more precious commodity than food? It is more precious than oil. The question is, How many farmers are going to live in the community that supports the schools, that supports the churches, that supports the synagogues, that supports small businesses? The farm dollar, if you are talking about a family farm, multiplies in the community where people live, where they buy—a community they care about. When you move to these conglomerates basically being in control and absentee investment, absentee ownership, when they make a profit, they don't invest it back into the community.

John Crabtree of the Center for Rural Affairs sums it up this way:

> Replacing mid-size farms with big farms reduces middle-class entrepreneurial opportunities in farm communities, at best replacing them with wage labor.

He goes on to say:

> A system of economically viable, owner-operated family farms contributed more to communities than systems characterized by inequality and large numbers of farm laborers with below-average incomes and little ownership or control of productive assets.

Can't we get at least a little additional funding to GIPSA so they can do the job, so they can be there on the side of our producers, so they can investigate whether or not we have monopoly practices, so they can investigate whether or not family farmers are getting a decent price, so they can investigate whether or not we have a few packers who are in collusion, who are involved in anticompetitive practices? I think we can.

To provide a little more context, we are living in a time of merger mania. Joel Klein, who is doing a great job, head of the Justice Department's antitrust division, has pointed out that the value of last year's mergers equaled the combined value of all mergers from 1990 to 1996.

I heard Senator MCCAIN make part of his argument. I am not sure I agreed

with all of his argument, but one of the things Senator MCCAIN focuses on, which is fair enough, is the whole issue of money and politics. I would argue that here we have a perfect example. Pick your industry. In agriculture, I am talking about the way in which these conglomerates have controlled the market. How about the airline industry? In my State of Minnesota, we are reading every other day that Northwest might merge with American Airlines. We have already heard about U.S. Air and United. We only have about six airlines now. We might get down to three megacompanies. The question is, What is the impact on consumers and what is the impact on the employees? What is the impact on the State?

I could talk about banking. I could talk about energy. I could talk about health insurance. I could talk about any number of sectors of the economy. I could talk about telecommunications. Look at what has happened since we passed that bill. Where is the protection for consumers? And with all due respect, when we talk about a key issue, the flow of information in a democracy, we don't want to have a few media conglomerates controlling almost all of the flow of information in a democracy.

I am speaking about the food industry, this very modest amendment. We make policy choices. We paved the way for family farming with the Homestead Act. It was a good thing to do. We enacted parity legislation which was all about better prices, fair prices for family farmers in the 1940s. It was a good thing to do. Then we cut loan rates in the 1950s and 1960s. We passed the ''freedom to fail'' bill—I call it the ''freedom to fail'' bill—a few short years ago. It dramatically reduced prices farmers got in the marketplace. I don't think it was a very wise thing to do. Above and beyond all of that, today, what I am saying is, let's at least vote for this modest amendment.

Going back to Lee Swenson's testimony, of the National Farmers Union:

> The remaining firms are increasing market share and political power to the point of controlling the governments that once regulated the firms. Some of the biggest corporations have gotten tax breaks or other government incentives. . . . Corporate interests have also called on the government to weaken environmental standards and immigrant labor protections in order to allow them to reduce production costs.

The bigger these agribusinesses get, the more influence they have over our policy choices. The bigger they get, the more money they can spend on political campaigns. The bigger they get, the more lobbyists they can hire. The bigger they get, the more likely they are to be named special U.S. trade representatives, as is the case with the CEO of Monsanto. The bigger they get, the more likely public officials will be to confuse their interests with the public interest, even if they don't already do that. And the bigger they get, the more weight they will pull in the media. It is a vicious cycle. These conglomerates have entirely too much political power. Their overwhelming size makes it too easy for them to dictate policies and to get even bigger.

There is something we can do in the short term. That is what this amendment is about. We can provide GIPSA with adequate funding to conduct on-the-ground investigations of market concentration.

This is a modest amendment. We ought to have 100 votes for this amendment. Over the longer term, we ought to do more. We ought to focus on how we can enhance the bargaining power of our producers. We ought to figure out how we can be there on the side of producers, on the side of farmers, on the side of ranchers, on the side of rural America, and on the side of consumers. I look forward to bringing a significant piece of antitrust legislation that Senator DASCHLE has introduced to the floor of the Senate and having a major debate about what kind of antitrust action makes sense.

Referring to the minimum wage, in many ways that is what family farmers are saying, too. We have families in the country who are saying: We want to be able to make enough of a wage that we can support our families. We have family farmers who are saying: We want to be able to get at least a decent price so that we can afford to support our families.

We should be sensitive to that concern. We should do no less than to at least pass this very modest amendment. This amendment would increase the fund for GIPSA by $3.95 billion to fund essential programs. The offset comes out of ERS.

I think this vote is a vote that is critically important in farm country. It is also a critically important vote for Senators who are on the side of consumers. I hope we will have strong support for it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, to my understanding, the Senator from Mississippi, the manager of the bill, wishes to make a motion to table. If that is the case, I would like to enter into a unanimous consent request that the vote occur following the vote on the motion to table on the sugar amendment.

Mr. COCHRAN. Mr. President, if the Senator will yield, it was my intention to move to table the Wellstone amendment, but I understand there may be other Senators who want to speak on that amendment. I do not want to cut off anybody. I do not intend to move to table at this time.

Mr. WELLSTONE. I thank my colleague for his courtesy.

Mr. COCHRAN. Mr. President, I am hopeful that the Senate will seriously consider the proposal the Senator from Minnesota made. Senator WELLSTONE offered an amendment to actually cut the Economic Research Service funding provided in this bill and add the money to the Grain Inspection, Packers, and Stockyards Administration for some investigations. He lists the investigations that ought to be undertaken, which would be funded by this additional money. The fact is, any amount of money could be spent investigating these subjects. He lists these: investigations of anticompetitive behavior; rapid response teams; the hog contract library; examinations of the competitive structure of the poultry industry, civil rights activities, and informational staff.

What I am saying is that I would hate for the Senate to be put into a position of having to analyze this and trying to figure out if we have enough money for the Grain Inspection, Packers, and Stockyards Administration and all of the responsibilities they have. We have tried to go through the President's budget request, analyze it carefully, and then present to the Senate an allocation of limited funds, and suggest that this is appropriate for the Senate to pass. We think the Economic Research Service, to be cut as proposed by Senator WELLSTONE, would be put in a difficult position of trying to provide accurate, reliable information that is helpful to farmers who are in the business of producing crops and commodities, who make their living at this, and who depend upon the Government agency that will be cut by this amendment. We think the funds are needed. We have checked with that agency to see what the impact of this offset would be on them, and they—maybe predictably—suggest that it would work a real hardship.

We have had a difficult time making available funds for some of these agencies to accommodate pay increases, staffing requirements, and all of the other items of expense in the operation of the Department of Agriculture that would support important economic activities in our country. And so rather than try to figure out what to try to do with this amendment and how to resolve it, I really think the best thing to do is to move to table it and ask the Senate to support the committee's judgment.

I have a lot of regard for the Senator from Minnesota and his enthusiasm for these subjects. I sympathize with his concerns. He has made a good speech. He has made a persuasive appeal to the Senate. In spite of that, I really think we need to stick with the committee's judgment on this. This bill has been developed on a bipartisan basis, with the full participation of Senators on the Democratic side. We have listened to suggestions from all Senators on both

sides. So my hope is that the Senate will trust the committee. That is what the committee structure is about when it comes to questions such as this. There is no way for each individual Senator to look at this amendment and figure out all the practical consequences of it, consider the offset suggested, and then make a decision.

Do you support the amendment offered by the Senator from Minnesota or do you support the committee? That is the issue. I hope the Senate will support the committee's judgment on this issue.

I know now, after inquiry, that there are no other Senators who have asked to speak on this amendment. I move to table the Wellstone amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the vote on the Wellstone amendment occur immediately following the vote on the motion to table the McCain amendment, which is going to take place at 2 o'clock.

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

Mr. REID. Mr. President, I ask unanimous consent that no second-degree amendments be in order to the Wellstone amendment.

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

AMENDMENT NO. 3917

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I know we are getting ready to vote in a few minutes. I wanted to thank my distinguished colleagues from Mississippi and Iowa for managing an important appropriations bill. It is so important to my State of Louisiana and to many States and communities in this Nation.

I want to take 2 minutes, though, to address the sugar issue that was earlier debated on the floor and to submit some things for the RECORD. I listened to the debate this morning, and I know the sugar program, every year, seems to conjure up all sorts of images that the opponents of this cost-effective program try to use: ''It is a sweet deal.'' ''It is a candy-coated program.'' ''It leaves a sour taste in people's mouths.'' Don't let these quick sound bites fool you. All the sugar farmers and sugar beet farmers and producers in Louisiana and other communities who support these farmers and producers want is fairness.

Mr. President, there is nothing sweet about fatigue. That is what many of our farmers in this Nation are experiencing this year—fatigue. They are tired. They are stressed. Prices are low. There is drought in many areas of our Nation. Farmers have been through a tough time, and sugar farmers are no exception.

This is a program that works. This is a program to which the taxpayers provide very little money. This is a loan program. Actually, as has been said in the RECORD over and over again, the sugar policy that we now have supported overwhelmingly—good support year after year—doesn't cost the Government anything. It has been a revenue raiser of nearly $300 million during the decade of the nineties. All of the 300 to 400 sugar farmers in Louisiana, their suppliers, and the communities that support them want is fairness. They would be shocked to know that the program that we understand as a loan program is termed by some as a ''giveaway'' program because they believe they are giving back. They believe they are paying taxes, and they are. They believe they are supporting communities in Louisiana and others around the Nation. It is not just Louisiana; it is Florida, Texas, California, Wyoming, and Montana, as I can see and share from the map in front of me.

This is an important industry in our Nation, and I think the underlying amendment would be devastating, obviously, to eliminate this program at a time when there is such a great need and at a time when it is actually a revenue raiser.

Let me also make a point that the opponents of the sugar program argue that we are trying to kill all imports. Nothing could be further from the truth. Nearly 20 percent of all of our sugar needs are met from imports from 40 different nations. This program works. It is a loan program. It is an issue of fairness. It is a time of difficulty. It is not time to eliminate this program now.

I urge my colleagues on both sides of the aisle to vote against the underlying amendment that would eliminate this program, which has been helpful not only to Louisiana but to many States and many communities around the Nation.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the McCain amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

Mr. REID. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) is necessarily absent.

I further announce that, if present and voting, the Senator from West Virginia (Mr. ROCKEFELLER) would vote ''aye.''

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

The result was announced—yeas 65, nays 32, as follows:

[Rollcall Vote No. 219 Leg.]

YEAS—65

Abraham	Dorgan	Lieberman
Akaka	Durbin	Lincoln
Allard	Edwards	Lott
Ashcroft	Enzi	Mack
Baucus	Graham	McConnell
Bayh	Grams	Moynihan
Bennett	Grassley	Murkowski
Bingaman	Hagel	Murray
Bond	Harkin	Reid
Boxer	Hatch	Robb
Breaux	Helms	Roberts
Bryan	Hollings	Sessions
Burns	Hutchison	Shelby
Campbell	Inhofe	Smith (OR)
Cleland	Inouye	Stevens
Cochran	Jeffords	Thomas
Conrad	Johnson	Thurmond
Craig	Kerrey	Torricelli
Crapo	Landrieu	Warner
Daschle	Lautenberg	Wellstone
Dodd	Leahy	Wyden
Domenici	Levin	

NAYS—32

Biden	Gramm	Reed
Brownback	Gregg	Roth
Byrd	Hutchinson	Santorum
Chafee, L.	Kennedy	Sarbanes
Collins	Kerry	Schumer
DeWine	Kohl	Smith (NH)
Feingold	Kyl	Snowe
Feinstein	Lugar	Specter
Fitzgerald	McCain	Thompson
Frist	Mikulski	Voinovich
Gorton	Nickles	

NOT VOTING—2

Bunning	Rockefeller

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 3922

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 3922. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

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

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 220 Leg.]

YEAS—51

Allard	Frist	McCain
Bennett	Gorton	McConnell
Biden	Gramm	Murkowski
Breaux	Grams	Nickles
Brownback	Gregg	Roberts
Byrd	Hatch	Roth
Campbell	Helms	Santorum
Chafee, L.	Hutchinson	Sessions
Cleland	Hutchison	Shelby
Cochran	Inhofe	Smith (NH)
Collins	Jeffords	Snowe
Craig	Kohl	Specter
Crapo	Kyl	Stevens
DeWine	Lincoln	Thomas
Domenici	Lott	Thompson
Enzi	Lugar	Thurmond
Fitzgerald	Mack	Warner

NAYS—47

Abraham	Baucus	Bond
Akaka	Bayh	Boxer
Ashcroft	Bingaman	Bryan

Burns	Hollings	Murray
Conrad	Inouye	Reed
Daschle	Johnson	Reid
Dodd	Kennedy	Robb
Dorgan	Kerrey	Rockefeller
Durbin	Kerry	Sarbanes
Edwards	Landrieu	Schumer
Feingold	Lautenberg	Smith (OR)
Feinstein	Leahy	Torricelli
Graham	Levin	Voinovich
Grassley	Lieberman	Wellstone
Hagel	Mikulski	Wyden
Harkin	Moynihan	

NOT VOTING—1

Bunning

The motion was agreed to.

Mr. COCHRAN. I move to reconsider the vote by which the motion to table was agreed to.

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

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. ROCKEFELLER. Mr. President, could I just offer a unanimous consent request?

Mr. HATCH. Mr. President, I yield without losing my right to the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

EXPLANATION FOR NOT VOTING

Mr. ROCKEFELLER. Mr. President, on rollcall vote No. 219 I was unavoidably detained and missed the vote. Had I been present, I would have voted for the motion to table the McCain amendment. I ask unanimous consent that I be so recorded.

The PRESIDING OFFICER. The RECORD will reflect the Senator's decision.

The Senator from Utah.

Mr. HATCH. Mr. President, Senator DURBIN and I wanted to take this opportunity to urge support for our amendment which is intended to speed up generic drug reviews at the Food and Drug Administration. We are pleased to announce that the Hatch-Durbin amendment is cosponsored by Senators DEWINE, LEAHY, WYDEN, FEINSTEIN, GRAHAM of Florida and VOINOVICH.

Specifically, our amendment increases funding for FDA's Center for Drug Evaluation and Review by $2.0 million over the Committee-recommended amount.

We intend these funds to be used to provide much-needed additional resources, that is, appropriately-equipped staff, to the Office of Generic Drugs. This will help them reduce review times for generic alternatives to brand-name pharmaceuticals, a considerable benefit to the consumer.

One way they can do this is by establishing an additional chemistry division which will allow OGD to increase its efficiency thus permitting applications for new generic drugs to be considered and approved much more rapidly, giving patients access to these products much more quickly.

Mr. President, when I travel throughout my home state of Utah, I am besieged by constituents who raise very valid complaints about the need to improve drug coverage for the elderly and others who cannot afford needed medicines. I am very sympathetic to those concerns, and have made this a high legislative priority.

But while we are in the midst of devising a program to improve Medicare coverage of pharmaceuticals, it is important to remember that generic drugs offer a less-costly, safe alternative to brand-name medicines for seniors and others who cannot always afford prescription drugs.

Our amendment will help offer those who are struggling to make ends meet a viable alternative. It will help get less expensive and more affordable prescription drugs on the market more quickly so that seniors will have additional choice when it comes to purchasing their medications.

None of us wants these vulnerable citizens to be faced with the Hobson's choice of whether to purchase food or needed medications. The American public, especially our seniors, can only benefit from having more generic drug products available to them.

The problem we face is that the level of FDA resources devoted toward the review and approval of generic drugs can be termed ''modest'' at best.

The Office of Generic Drugs is currently funded at $37.8 million and was flat-lined in the Administration's FY 2001 budget request.

In contrast to this relatively modest sum available for generic drug review, I would point out that the overall budget for human drug review at the FDA Center for Drug Evaluation and Research is $308 million. This represents a total of 2,554 full time equivalents.

So the amount devoted to generic drug barely exceeds 10 per cent of the human drug review budget.

Hiring additional professional review personnel, together with the necessary computer equipment, at OGD would cost about $100,000 per reviewer. So our amendment will translate into about 20 additional staff members and the computer equipment they need which would certainly be adequate to fund a new chemistry division.

The FDA generic drug program currently utilizes about 370 staff members. This amendment, coupled with the $1.2 million, already in the Senate bill will give the generic drug unit at FDA a needed shot in the arm.

As a principal author of the Drug Price Competition and Patent Term Restoration Act of 1984, I have long been interested in how we can provide better access to pharmaceuticals, which can do so much to improve the health of the American public. Our nation needs both innovative new drugs and affordable generic drugs.

I am particularly pleased that today about 40 percent of all U.S. prescriptions are written for generic products—most of which were made available for generic competition under the 1984 law.

These generic drugs save consumers about $8 billion to $10 billion each year. And that's according to a CBO estimate based on 1994 data, so it seems reasonable to project that today's savings must be even higher than the old $8 billion to $10 billion annual savings estimate.

Many of us have been pleased to learn that, since 1994, generic drug approval times have generally decreased: the median approval time was 26.9 months in 1994; 27.0 months in 1995; 23 months in 1996; 19.3 months in 1997; and, 18 months in 1998.

Unfortunately, this five year downward trend was reversed in 1999. The approval time rose to 18.6 months. This was in a year when the number of products approved actually fell from 225 drugs to 186 drugs. So the time per completed review grew for the first time in 5 years and it is now growing at a time when many important drug products will be coming off patent.

We cannot afford to let this continue.

The data on the monthly averages rending applications are also troublesome. Under the law, FDA has 180 days to act on a generic drug application.

Let's look at what is happening with the number of generic drug applications that are overdue—that is at FDA for more than 6 months. In 1995 the monthly average of backlogged generic drug applications was 46 applications.

This number increased to 59 in 1996.

It jumped to 109 in 1997.

In 1998, it rose to 127 overdue applications.

And last year, the average monthly number of overdue generic applications rose again to 147 overdue applications.

So the number of overdue generic drug applications has grown by more than 300 percent since 1995.

Clearly, this trend needs to be reversed.

It seems obvious to me that we want FDA to have sufficient resources to efficiently evaluate generic drug applications. The funds the Hatch-Durbin amendment provides would be sufficient to fund about 20 full-time equivalents (or ''FTEs'') in the Office of Generic Drugs.

Given the fact that so many important medications are about to lose their patent status, it is imperative that FDA has the necessary skilled personnel and computer equipment to do the job of assuring the American public that generic drug products come on the market as soon as possible.

We need to make sure that FDA's Office of Generic Drugs has sufficient resources to conduct timely reviews of generic drug applications. That's what this amendment accomplishes, and that is why Senator DURBIN and I have

joined together in a bi-partisan manner to work to see that the promise of more affordable generic drug products reach the American public.

Mr. President, this is an important amendment. I am pleased that the managers are willing to put it into the bill. I think it is something that will benefit everybody in this country. Hopefully, we can resolve some of these conflicts with regard to generic drugs and help bring the price of drugs down, as the Hatch–Waxman bill has done for the last 16 years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I join my colleague, the Senator from Utah, Mr. HATCH, in offering this amendment for consideration by the Senate.

This is an amendment which will provide $2 million more for the processing of approvals of generic drugs.

We are all familiar with the issue of prescription drug prices. We certainly understand that Congress should do as much as possible to help reduce the high cost of these prescription drugs, particularly for the elderly and disabled.

One of the things we are doing with this bipartisan amendment is providing more money to the Food and Drug Administration for generic drug approvals. The high prices of drugs can be significantly reduced by putting more generic drugs on the market. Generic drugs typically enter the market 25 to 30 percent below the cost of brand name drugs and within 2 years are 60 to 70 percent cheaper than brand name drugs. Increasing the development of safe and effective generic drugs, is good for American consumers.

Key to increasing access to such drugs, is making sure that the approval process is as efficient as possible. This chart illustrates the number of applications pending more than 180 days before the Food and Drug Administration for generic drugs. As we can see, the numbers have continued to increase. This is because the numbers that the Food and Drug Administration is being asked to approve has increased over the past few years.

In fact, the median approval time for generics has steadily decreased from 19.6 months in 1997 to a little over 18 months in 1998 and 17.3 months in 1999. But under the present budget, according to the Food and Drug Administration, they are estimated to go up again in 2000 and 2001, and we are going to see a slowdown in the approval of generics.

Senator HATCH and I have offered this amendment to provide $2 million to the Office of Generic Drugs. It is on top of the increase which the bill already puts in place of $1.2 million. This money will allow them to hire the professional people to approve the drugs, to put the computers and technology in place so that they can move forward with new ways to assess the drugs on a more timely basis, and to make certain that these drugs are available for American consumers as quickly as possible.

Very soon some of the blockbuster patent drugs are going to come off patent. Let me give some examples: Mevacor for high cholesterol, Vasotec and Zestril for high blood pressure, Glucophage for diabetics, Accutane for cystic acne, Lovenox to prevent blood clotting and Prilosec for those with stomach acid, heartburn or ulcers. These brand name drugs have sales of billions of dollars. Prilosec alone has sales of over $2.8 billion annually. Together, these drugs represented over $8 billion in sales in 1997. This year, their sales are certainly far more than this.

If we want to make certain these drugs move from brand name to generic so consumers across America can afford them, then the investment in the Food and Drug Administration which Senator HATCH and I propose is money well spent. I am happy to join Senator HATCH in this effort. I hope the Senate will approve this amendment and make it part of this appropriation bill.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, may I ask exactly how we are proceeding here?

Mr. REID. Mr. President, I think what the manager of the bill wanted to do was to have the Harkin amendment disposed of at this stage.

Mr. COCHRAN. Mr. President, if the Senator will yield, the pending business is the Cochran amendment to the Harkin amendment. It would be helpful, just as a coherent way of proceeding with the bill, if we would proceed in regular order.

Mr. REID. Senator HARKIN is here.

Mr. COCHRAN. It is my hope we could proceed to dispose of that amendment.

Mr. REID. Momentarily, we should.

Mr. COCHRAN. As I suggested earlier, if the Senator will yield further, it would suit me if we adopted both the Cochran amendment and the Harkin amendment on a voice vote to try to resolve the issue in conference with the House. I made that suggestion earlier.

Mr. REID. I suggested that to Senator HARKIN and when I spoke to him earlier today, he was not willing to do that.

Mr. WELLSTONE. Mr. President, I ask both Senators, the Senator from Mississippi or the Senator from Nevada, after we make a decision as to how we will proceed with the Harkin amendment and the Cochran amendment, am I in order next or do we go to an amendment on the other side? Just so I know whether I should need to be here. I am trying to move things forward.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I appreciate that spirit of cooperation very much. I hope we can move on and complete action on the bill sometime this afternoon. To do that, we are going to have to act on the amendments we have that are going to be offered. It doesn't matter, in my view, who goes next. I don't really care. I am anxious that we proceed and move along and make good progress on the bill. Some Senators have already indicated that the list of amendments we have in order to be offered to the bill will not all be offered. That is good news. We have had some Senators suggest that they are willing to forgo offering their amendments.

Mr. REID. Mr. President, if I may reclaim the floor, the two leaders have instructed the managers of the bill, as I understand it, that they want to finish this bill today. Is that the manager's understanding?

Mr. COCHRAN. It is.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that as soon as we make a decision on the Harkin amendment, I be allowed to offer an amendment.

Mr. REID. I think there is already a unanimous consent agreement that following the amendment by the majority, the Senator from Minnesota will be next in line.

Mr. WELLSTONE. I thank the Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3938

Mr. HARKIN. Mr. President, parliamentary inquiry. What is the regular order right now?

The PRESIDING OFFICER. The pending question is on the Cochran amendment.

Mr. HARKIN. Thank you.

Mr. President, let's go back to where we were a few hours ago when I first offered an amendment this morning. That amendment would state clearly that the Department of Agriculture—the Secretary of Agriculture—had the authority to set standards for pathogen reduction in meat and poultry inspection. Again, the amendment was carefully drafted not to set the standard. That should not be our business.

The reason for the amendment was precipitated by a court case in Texas in May in which a Federal district court judge found that the Department of Agriculture—the Secretary of Agriculture—lacked the statutory authority to set and enforce pathogen reductions in meat and poultry inspection.

When the Department established its new inspection rules in 1996, the USDA adopted a new food safety system based on hazard analysis, critical control points, and pathogen reduction standards, otherwise known now as HACCP. The system was designed to protect human health by reducing the levels of bacteria contamination in meat and poultry products. It has been in existence now for 4 years.

What then happened was we had this plant in Texas, Supreme Beef. Three times they were warned by the inspectors that they were not meeting the salmonella reduction standards. Three times they failed. It is not that they weren't warned adequately; they were. On the third time when they failed it, the USDA did the only thing they could do under the authority they have, and that was to withdraw inspection from the plant, and, in effect, by withdrawing inspection from the plant, the plant had to shut down.

The plant hired attorneys and took the case to district court and got an injunction. They got an injunction against the USDA so that they could keep operating, and they did. Then the judge decided, after a hearing, that the USDA lacked the legislative and statutory authority to both implement the rule and to enforce it. That is why we are here today with this amendment.

We have worked long and hard on this. This is not something new. During the 1980s and 1990s, both the House and the Senate Agriculture Committees had numerous hearings. The Department of Agriculture, under both Republican and Democratic Presidents, had numerous field hearings and rulemaking procedures. They eventually came up with this new program that blended the old inspection program with new flexibility for industry and new standards for pathogen reduction.

Why was this necessary? Because we have bigger plants now, faster assembly lines, meat and poultry go through the system faster; and we also found increases, according to the Centers for Disease Control, in a number of foodborne illnesses that we had not seen before in our country. So we wanted to have a system whereby we could assure consumers of the highest level of confidence that once that meat left the slaughterhouse, once it left the processor, it would be as safe as possible.

Here again are CDC's statistics on foodborne illness. I had this chart this morning. It indicates that there are 76 million illnesses every year because of foodborne pathogens, 325,000 hospitalizations, and 5,000 deaths.

Now, since we established the rule in 1996, salmonella rates in ground beef have dropped 43 percent for small plants and 23 percent for large plants.

Since these performance standards were issued in 1996, we have had this big drop in salmonella in ground beef. The standard is working. But now a district court has said USDA lacks the statutory authority to enforce that standard. That was why I offered my amendment this morning. Not to set a standard but only to say USDA has the statutory authority to enforce a standard once it has been set. Adoption of my amendment doesn't mean that a packing plant or a processing plant couldn't still go to court and say: Your rule is arbitrary or it is onerous or it is inapplicable. But we never got to that in the Supreme Beef case. The Court just said they lacked the authority to set the rule.

So they have thrown overboard years and years of work by the Senate Committee on Agriculture, the House Committee on Agriculture, and the Department of Agriculture under both Republicans and Democrats, and Republican and Democratic Secretaries of Agriculture to make progress in improving food safety.

This morning, I tried to give statutory authority to the Secretary of Agriculture because without authority to enforce food safety standards, consumers are left exposed in this country. All we are trying to do is give them that authority.

There was a motion to table the amendment made by the Senator from Mississippi. The motion to table lost on a tie vote. The Senator from Mississippi then put a second-degree amendment on my amendment. We were taking a look at it trying to figure out exactly what it did. It only changes a few words in my amendment. My amendment says at the end, standards ''established by the Secretary''—not our standard but standards set by the Secretary. The amendment by the Senator from Mississippi strikes that ''established by the Secretary'' and says ''promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods.'' The key part of his amendment is ''and that are shown to be adulterated.''

What do those words mean?

First of all, when they say ''promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods,'' the committee was were there when they first came up with the standards. They had input on the standards when they were established in 1996. There may be debate about the extent of consultation, but they were consulted. But the key words of the amendment by the Senator from Mississippi are these: ''that are shown to be adulterated.''

What does that mean? If the amendment of the Senator from Mississippi is adopted, it will mean that the Department of Agriculture will have to go all the way back and again go through rulemaking to develop new performance standards. We, under the amendment of the Senator from Mississippi, are codifying a standard.

The Senator from Mississippi, this morning, was saying the amendment that I offered was codifying the standard. I challenged him to show where that was so. It is not so. We do not codify a standard. Yet the amendment of the Senator from Mississippi codifies a standard. What is that standard shown to be? Adulteration; that is the standard.

What does that mean? It means that USDA now can't just go into a plant and test for pathogen reduction and for salmonella and say they are not meeting the standard on salmonella—that they are failing to reduce pathogens. They now have to show that the meat is adulterated. That is what we have been doing for 70 years. A USDA inspector in a plant has had that authority for all of my lifetime, and for all of the lifetime of the Presiding Officer. They have the authority to go into a plant and withdraw inspection on the basis of adulteration. That is the old standard.

The Senator from Mississippi would turn the clock back to where we were before 1996. No longer will we be able to say to parents: Your kids can have school lunches and not worry about pathogens because we have a pathogen reduction standard that is being enforced. No, we will have a gaping hole there because USDA will now have to show that the food is adulterated. It will have to show that the plant is unsanitary. That is what we tried to get beyond in 1996.

The key part of the amendment by the Senator from Mississippi is that it codifies the adulteration standard as the essential element of pathogen reduction standards. Yet the Senator from Mississippi went after this Senator, just this morning, claiming that I was trying to codify a standard, which I wasn't. The judge in the Supreme Beef case said that for the USDA to take action, it had to show adulteration. That was the key part of the case. The judge said under the statutory law that exists, the only way the USDA can shut down an inspection line is if they show that it is adulterated—not that they didn't meet a salmonella reduction standard, not that they had pathogens in their food. They have to show that it is adulterated, that there are unsanitary conditions in the plant.

Based on that holding, the judge said the USDA lacked the authority to enforce the existing salmonella standards. This amendment takes the holding in the Supreme Beef case, and makes it the law of the land. It makes the standard ''adulteration''. This amendment would make it the law of the land—not just in Texas but all over the country. Why would we want to do that? If we have to go back to ''promulgate with the advice,'' we will be another 2, 3, or 4 years waiting for pathogen reduction standards.

What do we tell our consumers in the meantime? There is no standard. We go

right back to where we were before. What do we tell the 325,000 Americans hospitalized every year because of foodborne illnesses? What do we tell the parents of kids eating school lunches? This amendment by the Senator from Mississippi would throw all of our meat inspection into a huge morass. It would basically say we are back now where we were 30 years—poke and sniff and have to prove that it is adulterated, or have to prove it is unsanitary.

What does that mean? Salmonella can enter meat, for example, anywhere. It can enter it in the livestock yards, slaughterhouses, transportation, processing facilities. The point is not to lay blame on anyone. It is not to have the processor say: Our plant is clean, it is sanitary, and if there is salmonella there, we are not to blame, go blame somebody else.

I don't care who is to blame. I want to stop it. We want to stop it. We want to make sure that there is a system in place so that if there are pathogens in meat and poultry, we find out where they are coming from and stop them. That is what HACCP is all about. But under the amendment by the Senator from Mississippi, USDA could go right back to Supreme Beef, and they could say: Guess what. You are not meeting the salmonella pathogen reduction standard we set, you have failed too many tests. Supreme Beef could say: We don't care what you think because you don't have the authority to do anything about it. Is that the kind of message we want to send to our consumers?

I don't have any letters in my office, but someone told me there are some papers circulating that the American Meat Institute is opposed to my amendment and supporting the amendment by the Senator from Mississippi. I have worked many years for the American Meat Institute. I have a high regard for them. I have a lot of livestock production in my home State. I have slaughtering facilities and processing facilities in my home State. If it is true the American Meat Institute is taking the position that the USDA can only have a pathogen reduction standard based on adulteration, they are doing a disservice to my livestock providers, they are doing a disservice to my packers, and they are doing a disservice to my processors.

Why? Because the word will be out on the street, and it will be in every consumer report. It will be in every newsletter that goes out that you can't trust the meat and poultry products that are coming from our processors and our packers because we no longer have a pathogen reduction standard.

Let me be very clear. If the Cochran amendment is adopted, new rulemaking will be mandatory. It will take at least 2 or 3 years to set the rules because they will have to have hearings and public comment. They went through all that less than 6 years ago. The Cochran amendment means they have to go through it again.

What happens during the next 2 to 3 years while the rulemaking is in effect? There will be no standards in effect, no pathogen reduction standards in effect. I hope Senators who are here, who are listening in their offices, and staffs who are listening, understand this. The Cochran amendment will necessitate new rulemaking. It will take a long time, and during that period of time, there will be no pathogen reduction standards enforceable by the USDA.

If the Senator wanted to amend his amendment and just say that would be issued "with the advice of the National Advisory Committee on Microbiological Criteria for Foods, period," that would be acceptable.

Mr. COCHRAN. Will the Senator yield?

Mr. HARKIN. I am happy to yield to the Senator.

AMENDMENT NO. 3955, AS MODIFIED

Mr. COCHRAN. I ask unanimous consent that my amendment to the Harkin amendment be modified as suggested by the Senator; that the last phrase be stricken—"and that are shown to be a adulterated"—so the amendment to the amendment reads:

Strike "established by the Secretary" and insert in lieu thereof: "promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods."

The PRESIDING OFFICER. The Senator has the right to modify his amendment.

The amendment, as modified, is as follows:

On page 2 of the amendment: Strike "established by the Secretary" and insert in lieu thereof: "promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods."

Mr. HARKIN. Mr. President, I ask the Senator from Mississippi if I can engage in a colloquy.

The Senator's amendment now reads "promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods."

Mr. COCHRAN. That is correct. I have modified my amendment according to what the Senator has just said would be accepted. I assume the Senator will accept the amendment and we can adopt it.

Mr. HARKIN. I think we may have an agreement.

If I could ask the Senator from Mississippi, is it the Senator's intention to leave the existing standards in effect during the period of time that the committee would make recommendations?

My problem is "promulgated." I had two issues with the Senator's language. One, my problem with "adulterated", has been taken care of; the other, what does "promulgated," mean remains. If USDA promulgates new standards and in the meantime can't enforce the existing standards, we are going to have a 2- or 3-year period of time where we have no enforceable pathogen reduction standards.

I ask the Senator, Is it your intention that during this period of time we would leave the existing standards in effect?

Mr. COCHRAN. Mr. President, if my amendment is accepted by the Senator, my amendment would amend your amendment only in one respect; that is, on page 2 of the amendment we would strike the words "established by the Secretary" and insert the language that I quoted: "promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods."

That is the only respect in which my amendment would modify or change the amendment of the Senator from Iowa. In all other respects, the Senator's amendment remains as he offered it.

Mr. HARKIN. Again, I understand that. But I am concerned about the words "promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods." I don't mind that. They were involved with the standards established in 1996.

If it is the Senator's intention that the Department of Agriculture should go ahead, go back and take a look at whether or not they should revise those rules and those standards, I don't have any problem with that. That is what rulemaking is all about.

I am worried that we will have a gap of time where we will have no enforceable standards. That is why I want to make sure that at least during the period of time when they may be revising those standards the existing standards remain enforceable.

My concern, again, is if someone were to raise a question about the extent at which the existing standard was set with the advice of the committee, I want to make sure that would not bar enforcement. If we had a colloquy to clear that up, that standards would stay in place pending any changes in rulemaking, that would be fine.

I ask if that is the Senator's intention.

Mr. COCHRAN. Mr. President, if the Senator will yield again, I think my amendment speaks for itself. If it is unclear, then the legislative history and trying to determine the intent of Congress in the use of the words is relevant. If the language is clear on its face and the meaning is clear on its face, then legislative history and intent and our conversation is never considered by a court.

My view is that this is about as clear as we can say anything. That is, that any regulations promulgated under the authority of this act to which the Senator's amendment applies must be done

with the advice of the National Advisory Committee on Microbiological Criteria for Foods. That is all my amendment seeks to do. That is all that is intended by my amendment. There is no intent to speak on any other subject, to affect the decisions of the Department of Agriculture in promulgating standards, promulgating regulations. My amendment is limited strictly to seeking the advice in the process of promulgating standards of the National Advisory Committee on Microbiological Criteria for Foods. I don't know how I can say it, how it can be said any clearer than the language of the amendment says it. So the Senator can ask me whether I intend anything else and I can assure him I don't intend anything else, other than the clear and precise meaning of the words that are used in the amendment.

Mr. HARKIN. As the Senator and I were talking earlier, lawyers can argue about words and what they mean. Still, the words that are used in the Senator's amendment seem to indicate to me we have to go through rulemaking. Again, I am concerned, if that is how it is interpreted, then we are going to have a period of time that we may not have any enforceable standards. That is what I want to clarify.

That is why I wanted to engage in the colloquy. I do not believe it is clear, on its face, exactly what it means.

If it means that the standards we have now were promulgated with sufficient advice that we would not need new rulemaking, then that is okay. That is why we need some legislative history on this. That is why I was trying to engage in a colloquy.

I ask the Senator from Mississippi: Does his language mean USDA will have to go through rulemaking again? Does this leave a gap in the standards? That is all I am trying to get to. Maybe if we can talk about it a little more, we will get to this thing. I don't know. Sometimes it is hard.

Mr. COCHRAN. If the Senator will yield, I will be happy to assure him that my intent in offering the amendment is to involve the National Advisory Committee on Microbiological Criteria for Foods in the process by which the Secretary promulgates regulations or standards with respect to this act to which his amendment relates.

Mr. HARKIN. I have no problem with that. If that is the intent, to say—I will repeat to make sure I do not misunderstand—that the Senator's intent by using the word ''promulgate'' is to say that any future rulemaking—I want to make sure the Senator hears my words, to make sure I am OK on this—that any future rulemaking done by the Secretary of Agriculture has to be done with the advice of the National Advisory Committee on Microbiological Criteria for Foods, and that during any rulemaking when they are seeking that advice, the present standards will stay in place and be enforceable, that is fine.

Mr. COCHRAN. Mr. President, if the Senator will yield, my amendment does not address the present standards and the effect of the decision of the court in Texas. The amendment of the Senator deals with that. I am only trying to address one small aspect of this, and that is the involvement of this national advisory committee so the Secretary would have the benefit of scientific advice and evidence and information.

Mr. HARKIN. As I said, I——

Mr. COCHRAN. I don't think I can satisfy the Senator's curiosity about the legal effect of his amendment as amended by my amendment.

Mr. HARKIN. All I want to be satisfied about is that there will be enforceable standards in effect.

From what I hear, I like it. I want the committee to be involved in advising the Secretary. If the Senator tells me that the present rules that have been promulgated are still enforceable during the pendency of that consultation, then I have no problem. But the language says USDA can only enforce a standard if it is ''promulgated with advice''. I am wondering what this means for the standards we have right now. I want to clear this up.

Can the rules we have now be enforced? Or can only rules that are promulgated in the future be enforced with the advice of the committee? That is where we are hung up over these words. Words do have meaning.

I will say again, if the interpretation is that the standards that are now in effect remain enforceable, and that any future rules adopted by the Secretary have to be done with the advice and consultation of the committee, I have no problem with that. Then we don't have a gap. And I hope that is the meaning.

Mr. COCHRAN. Mr. President, if the Senator will yield for an observation, I accommodated the Senator's interest—I tried to—by modifying my amendment in a way that he said would make it acceptable.

Mr. HARKIN. Yes.

Mr. COCHRAN. I struck the language that he suggested bothered him. He read that language to be ''that is shown to be adulterated.''

He was worried about connecting proof of contaminated food with the ability of the Department of Agriculture to shut down a plant. And he thought with the addition of those words I was adding something new, a new hurdle that had to be crossed by the Department of Agriculture in implementing the standards. So I modified the amendment to remove the troublesome words, to assure him the crux of the amendment was to get the advice and the input of the experts, the scientific experts. And I modified it. And that is not enough. Now the Senator wants me to interpret the legal status of these regulations as they are affected by this district court decision in Texas.

This morning I tried to put that all in context. I know I am taking much too much time. I discussed the reasons for my motion to table the Harkin amendment. I have just about gotten worn out with explaining why I wanted to table the Harkin amendment, why I thought it was an amendment that ought not be put on this Agriculture appropriations bill. I have said it over and over again. The Senate voted on that, and the motion to table was not agreed to. The vote was tied, 49–49.

I could have let the amendment then be voted on by the Senate without any further amendment but, frankly, I thought it would be helpful to the Senate to clarify the rule problem I had with the amendment, and that was why we added the language as an amendment. I proposed at that time that amendment, the Cochran amendment to the Harkin amendment, be adopted by a voice vote and then the Harkin amendment be adopted by a voice vote.

Think about that. We had just had a tie vote on the whole issue. Yet we offered to let the amendment of the Senator that almost was tabled, lacking one vote to be tabled, be agreed to and go on to considering other issues. That was not good enough either.

We took up other business because the Senator was not prepared to proceed to consider the bill further. He wanted to do something else. We finally, now after having taken up several other amendments, get back to the Harkin amendment.

He complained and pointed out what was troubling him. We tried to modify it. I have done everything I can think up to satisfy the Senator and to give him the right to have his arguments on the floor of the Senate, to have this issue fully considered, and to have the Senate act on it.

I have gone about as far as one can go. I am hopeful the Senator will agree that the Cochran amendment can be adopted on a voice vote—if he wants to have a record vote, be my guest—and adopt the Harkin amendment on a voice vote, as amended by the Cochran amendment.

Otherwise, maybe I will try to renew the motion to table. Maybe Senators have heard enough now so they know what the facts are about this amendment and that it is an attempt to reverse a decision of a district court in Texas that can be appealed to the court of appeals if the Department of Agriculture wants to appeal it and if the Department of Justice wants to prosecute the appeal for them. That is up to the Department and the lawyers at the Department of Justice. I am being asked to interpret and sort through

this and give a definitive answer about the effects when lawyers argued their case in Texas probably for a long and full time before a court there. They made a decision.

What I am saying is, I would like to satisfy the Senator, but I do not think there is any way to do it. We should just move on, and let's vote and see how the votes turn out.

Mr. HARKIN. Mr. President, I reclaim the floor. I was hoping there might be a reasonable outcome. As I said, the RECORD will show earlier I said there were two problems with the amendment. One was with adulteration, which the Senator took care of. The other was the word ''promulgated.''

If the Senator will further modify his amendment to say that future rules must be promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods, that would settle the issue once and for all.

That means any future rulemaking done by USDA would have to be done with the advice of this committee, but that the existing rules meanwhile will stay in effect and be enforceable. If the Senator will do that, we are done.

Mr. COCHRAN. Mr. President, will the Senator yield?

Mr. HARKIN. I yield.

AMENDMENT NO. 3955, AS MODIFIED, WITHDRAWN

Mr. COCHRAN. Mr. President, I withdraw my amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

VOTE ON AMENDMENT NO. 3938

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3938. The yeas and nays have been ordered.

Mr. REID. Mr. President, I ask unanimous consent that the yeas and nays on the amendment be vitiated.

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

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3938.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

Mr. REID. I announce that the Senator from Washington (Mrs. MURRAY) is necessarily absent.

The result was announced—yeas 48, nays 49, as follows:

[Rollcall Vote No. 221 Leg.]

YEAS—48

Abraham	Baucus	Biden
Akaka	Bayh	Bingaman
Boxer	Fitzgerald	Lieberman
Breaux	Graham	Lugar
Bryan	Grassley	Mikulski
Burns	Harkin	Moynihan
Byrd	Hollings	Reed
Cleland	Inouye	Reid
Conrad	Johnson	Robb
Daschle	Kennedy	Rockefeller
Dodd	Kerry	Sarbanes
Dorgan	Kohl	Schumer
Durbin	Landrieu	Specter
Edwards	Lautenberg	Torricelli
Feingold	Leahy	Wellstone
Feinstein	Levin	Wyden

NAYS—49

Allard	Grams	Nickles
Ashcroft	Gregg	Roberts
Bennett	Hagel	Roth
Bond	Hatch	Santorum
Brownback	Helms	Sessions
Campbell	Hutchinson	Shelby
Chafee, L.	Hutchison	Smith (NH)
Cochran	Inhofe	Smith (OR)
Collins	Jeffords	Snowe
Craig	Kerrey	Stevens
Crapo	Kyl	Thomas
DeWine	Lincoln	Thompson
Domenici	Lott	Thurmond
Enzi	Mack	Voinovich
Frist	McCain	Warner
Gorton	McConnell	
Gramm	Murkowski	

NOT VOTING—2

Bunning	Murray

The amendment (No. 3938) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3919

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 3919.

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

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

The amendment is as follows:

(Purpose: To require the use of certain funds transferred to the Economic Research Service to conduct a study of reasons for the decline in participation in the food stamp program and any problems that households with eligible children have experienced in obtaining food stamps)

On page 48, strike lines 12 through 16 and insert the following:

''(7 U.S.C. 612c): *Provided*, That, of the funds made available under this heading, $1,500,000 shall be transferred to and merged with the appropriation for ''Food and Nutrition Service, Food Program Administration'' for studies and evaluations: *Provided further*, That not more than $500,000 of the amount transferred under the preceding proviso shall be available to conduct, not later than 180 days after the date of enactment of this Act, a study, based on all available administrative data and onsite inspections conducted by the Secretary of Agriculture of local food stamp offices in each State, of (1) any problems that households with eligible children have experienced in obtaining food stamps, and (2) reasons for the decline in participation in the food stamp program, and to report the results of the study to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate: *Provided further*, That of the funds made available under this heading, up to $6,000,000 shall be for''.

Mr. WELLSTONE. Mr. President, I want to say to Senators at the beginning of my remarks, and I say to my colleague from Mississippi, I am going to try to be brief; I don't intend to speak for a long period of time. I want to summarize this amendment for Members of the Senate, and I want to talk about why I think this is one of the most important amendments I have ever brought up and why I would like to have a vote on it or a commitment that this stays in conference committee.

This amendment would provide a little additional funding, $500,000, to the Food and Nutrition Service. This is all from within ERS. These are some good people. I am calling for the Food and Nutrition Service to be out in the field and to do some important policy evaluation for us about why it is that in the last half decade or so we have seen about a 30-percent decline in food stamp participation. There is not a 30-percent decline in poverty.

As a matter of fact, I am sad to say on the floor of the Senate that there has actually been an increase in the poverty of the poorest children in homes which have poverty-level income. They can evaluate why it is that one out of every ten households is ''food insecure,'' some 36 million, 37 million, and 40 percent of them children. And with a major safety net program for children, we can make sure that children are not malnourished and don't go hungry. We have seen a dramatic decline in participation.

What is going on? We are the decisionmakers. We are the policymakers. Let's have an honest evaluation because the background to this program goes something like this: In the mid and late sixties—I remember I was a student at the University of North Carolina when these studies first came out. There were a series of studies and exposes. There was a CBS documentary—Hunger U.S.A., I think—in 1968. We saw children with distended bellies. We read about and heard about children who were suffering with scurvy and rickets. We could not believe that in America we had widespread malnutrition and hunger. We don't talk about this enough on the floor of the Senate.

Senator COCHRAN from Mississippi—I am not trying to ingratiate myself to him—actually is one of the Members in the Senate who has been most focused on food and nutrition programs. It was Richard Nixon, a Republican President,

who said we have to make some changes on this issue, and whether or not we are going to have some kind of safety net. It won't be Heaven on Earth. It won't be perfect. But we will at least make sure that we try to get some help to these families. We are going to make sure this is a Federal program. Do you want to know something, colleagues? This is public policy that has worked because we dramatically reduced, up until recently, the extent of malnutrition and hunger in the country.

What is happening now with this program? The Food and Nutrition Service would go out in the field. They would study the barriers faced by families with limited access to the Food Stamp Program. What are the reasons for the dramatic decline in participation in the Food Stamp Program? On-site review out in the field completed within 180 days a report and sent it to us.

The food stamp rolls have plummeted over the last several years. Since April of 1996, nearly 8.6 million people have dropped off the food stamp rolls and more than 1 million last year alone.

If this was because of a reduction in poverty, I wouldn't worry about it. But that is not what it is.

Of the 36 million people living in food-insecure households —I hate that language. They live in homes where they are either going hungry or they are malnourished. Of 14.5 million Americans, 40 percent are children.

A study by Second Harvest, the Nation's largest domestic hunger relief organization, found that more than one out of every three persons served by food banks are children.

By the way, in almost 40 percent of the households that rely on emergency food assistance, there was at least one adult who was employed.

You have a lot of people in our country who are working poor people. They are eligible for this assistance. It makes a real difference to them and their children. But we have seen this dramatic decline in participation. I think we need to know why.

A report by the U.S. Conference of Mayors shows similar results. It shows there has been a dramatic increase—can you believe it—in the demand for emergency food assistance in major cities across the United States in the last 15 years.

Can I make that clear? We have a booming economy. We are talking about all of this affluence. There are people who spend $10,000 or $15,000 on one vacation, and the Conference of Mayors says we are seeing a dramatic demand in the need for emergency food assistance.

Catholic Charities, the Nation's largest private human service, reported providing emergency food services to more than 5.6 million, more than 1 million of whom were children.

When we are talking about food pantries, when we are talking about Catholic Charities, when we are talking about Second Harvest, when we are talking about all of these relief organizations saying there has been this increase in demand and saying that many of the citizens they help are children, something is wrong. Something is wrong with our priorities. No citizen in America should be hungry today. No child should be hungry.

I don't have the statistics. But I am guessing. It is just intuition. It is what I have seen with my own eyes. There are also significant numbers of elderly people who are malnourished.

The Food Research and Action Center, which I believe has done the very best work in this area, reports that more than 1.2 million people left the food stamp rolls between October 1998 and October 1999. Again, 8.6 million people have left the Food Stamp Program since April of 1996.

Senators, here is the statistic that is jarring. According to the USDA, more than one-third of those who are eligible for the Food Stamp Program are not receiving benefits. We had a dramatic decline of about a 30-percent drop over the last 4 years, and USDA itself comes out and says that one-third of those who are eligible are not receiving any benefits at all.

A report released by the National Campaign for Jobs and Income Supports, another really good organization and good coalition, found that the number of poor people receiving food stamps has declined by 37 percent—more than 10 million people since 1994—although the number of people living in poverty has not declined anywhere close to the same rate.

In 1995, for every 100 poor people in the country, 71 were using food stamps. In 1998, for every 100 poor people, only 54 were using food stamps.

A General Accounting Office report recently released found that "food stamp participation has dropped faster than related economic indicators would predict." An Urban Institute report found that "about two-thirds of the families who left the Food Stamp Program were still eligible for food stamps."

A July 1999 report prepared for the U.S. Department of Agriculture by Mathematica Policy Research, Incorporated, identified lack of client information as a barrier to participation.

In other words, people are not being told that they are eligible. They are not being told that they can help their children by participating in this food nutrition program.

Food stamps can mean the difference between whether or not the child has an adequate diet. Food stamps can make a difference between whether or not a child goes hungry. Food stamps can make a difference as to whether or not little children ages 1, 2 and 3 get adequate nutrition for the development of their brain. Food stamps can make a difference in terms of whether or not a child goes to school with an empty stomach and not able to learn. Food stamps can make a difference as to whether or not a child can do well in school and, therefore, well in life.

I am speaking with some indignation. I know that we don't have a lot of debate on these issues. But this amendment is relevant to this bill. Food stamps can determine whether or not a child is able to concentrate and able to bond with other children, and whether a child can do well on these standardized tests that we are giving.

We are given all these standardized tests the kids have to pass—if they fail, they are held back as young as age 8—but we have not made sure that children who could benefit from food nutrition programs so they do not go hungry, so they are not malnourished, are able to benefit.

I just can't believe that during a thriving stock market, with record economic performance, with record affluence, with record wealth, with record surpluses, we have seen over the last half a decade a 33-percent or more decline in food stamp participation, and we have today in the United States of America 37 million Americans who are "food insecure," 40 percent of them children.

I told my friend, Senator COCHRAN, I would be relatively brief. I could go on and on. About a year ago, I brought this amendment to the floor. The Senator from Mississippi, who cares about these issues, accepted the amendment. It was knocked out in conference committee. It makes me furious. What in the world is the matter with the Congress that we are not even willing to let the Food and Nutrition Service make a policy evaluation? Why it is, with the most important safety net program for children in America to make sure they are not malnourished and make sure they do not go hungry, we are not even willing to support that?

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. WELLSTONE. I hope there will be a strong vote for this amendment. I hope and I pray that we can keep this in conference because we should do this evaluation; we should get a report; we should know what is going on. This is important. This is all about whether our citizens, people in the country, are malnourished or not, whether they go hungry or not, whether children have a chance or not, whether we provide the help that elderly people need. We are not doing a good job. Something is wrong.

I think if we get the study done—I don't know why we can't—then we will no longer be in a position of not knowing or not wanting to know and we will take some action.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I appreciate very much the remarks of the Senator from Minnesota and bringing this issue to the attention of the Senate, frankly. More and more in the last few years, unemployment rates have been coming down. The economy is strong. Everybody knows that.

And I kept asking, why aren't the participation rates in food stamps and other nutrition programs coming down? For a little while, they were going up, too. We had the number of people wanting work, finding work, going up. Incomes were going up. In my State of Mississippi, we saw income levels reaching new highs, but the food stamp participation was still going up.

Pretty soon, though, that began to change and the food stamp participation rates began coming down. I thought this was an indication that people did not need as much nutrition assistance from these Federal programs as they did in the past. We hadn't changed in the last few years any of the eligibility or participation in the program. We did so back in the welfare reform days, and we all remember that process. There was a big push to do away with the Food Stamp Program. Some in the Senate pushed very hard to turn the program over to the States. Others resisted it. As it came out, it was preserved as a Federal program. It would be administered by the States, as in the past. By and large, it continued to exist without too many changes.

The Senator is suggesting that because there continue to be dropoffs, reductions in the participation, something is wrong and we need to find out what it is. If there is something wrong, we need to be aware of it. I agree with the Senator. If the program is being administered in a way that denies those who are eligible under the law for benefits, we need to know about it. We need to try to make sure that those who need assistance and who are eligible for assistance get the assistance to which they are entitled and that there are funds here that will make those program benefits available to every eligible person in our country. That is our goal. That is my goal. That is my attitude. That is my view about this subject.

I support the Senator's effort to have a study, and I will work in conference to see that funds are made available to do that study. I know the Food and Nutrition Service has been working on that issue. He is suggesting, as I understand the amendment, the Economic Research Service use some of the funds available to it to conduct a study, as well.

I am prepared to take the matter to conference and to do as well as we can in conference with the House on this issue and the language the Senator has. I am told by my staff there are some suggested improvements—and I hope the Senator will agree they are improvements in the language of the amendment—that will strengthen the amendment in conference, and, if so, that the Senator will understand and be supportive of our efforts to see that the study achieves the goals the Senator intends.

One aside: When the Senator made the point about amendments adopted here that are not accepted in conference, and it makes him furious, I was reminded of a story.

Mr. WELLSTONE. Before my colleague goes further, I was referring to this specific topic.

Mr. COCHRAN. I see.

I am reminded of a story my colleague from Mississippi, with whom I served in the body for 10 years before he retired—Senator John Stennis—told about a conference; I have forgotten which committee, but it was appropriations. He was chairman of the full Committee on Appropriations at the time he retired from the Senate.

An amendment had been adopted in the Senate, and it was dropped in conference. The Senator who was managing the conference was explaining the provisions of the bill and what had been agreed to by the House and what had been rejected by the House. The author of an amendment got up and asked: Why wasn't my amendment accepted by the House? The manager said: We discussed it fully, and there was a lot of discussion, but it was not accepted by the House. He said: I want to know why; what did they say? The manager said: They didn't say.

It is an indication that sometimes the House rejects an amendment. They don't feel obliged to tell you why they rejected it. They just say: We are not going to accept it. I have seen that happen. I have seen the chairman of the full committee on the Senate Appropriations Committee have to personally go to a conference and almost beg the conferees on the part of the House to accommodate an interest in his State that he thought deserved the support of the conference.

It was almost a humiliating experience. I will never forget it. But it was an illustration of the fact that the other body takes their prerogatives very seriously, particularly on appropriations. I am reminded every year how difficult it is to get our way in conference in negotiations with the House. It is a tough challenge. Ultimately it gets the work out, but in the process there are Senate provisions that are dropped in conference, that are not agreed to by the House, in spite of the very best efforts that are made by the Senate to have their way in those negotiations.

All I can say in respect to the Senator's insistence that this amendment be kept in conference is, we will do our best.

Mr. KENNEDY. Mr. President, I strongly support Senator WELLSTONE's amendment. We need to do all we can to understand why food stamp participation has declined so sharply. We know that poverty among working families is growing, not declining, even in this time of prosperity, and we need to find better answers to this problem.

The Conference Board is a global business membership organization that has enabled senior executives to exchange ideas on business policy and practices for nearly a century. The most recent Conference Board study is entitled ''Does a Rising Tide Lift All Boats? America's Full-Time Working Poor Reap Limited Gains in the New Economy.'' The conclusions of this pro-business group are surprising. The Conference Board found that the number of full-time workers classified as poor increased between 1997 and 1998, the last year for which data is available. And despite the strongest economic growth in three decades, the poverty rate among full-time workers is higher now than it was during the last recession.

The Congressional General Accounting Office also studied this issue of declining food stamp participation, and it found that food stamp participation is declining much more rapidly than poverty.

The obvious result is that millions more Americans, including children and working families, are going without adequate nutrition today than before the welfare reform law was enacted.

In Massachusetts, Project Bread operates a statewide hunger hotline, where operators respond to 2,300 requests for referrals each month. Last month, a mother from Worcester called. She had just been released from the hospital after the birth of her fifth baby. Doctors had ordered her to stop working 3 months ago, due to complications with her pregnancy. Her husband drives a bus, and their single salary was barely enough for the family to get by. When she called the hotline, there was no money and no food in the house, and hotline workers characterized her situation as desperate.

In many other communities, the nation's mayors have been distressed by the sudden sharp increases in requests for emergency food from working families. Too many of those in need are being turned away, because the resources are so inadequate. We clearly need a better understanding of why this alarming level of hunger persists in our record-breaking economy.

We need this additional information as soon as possible. We must accurately determine why food stamp participation has declined. I look forward to working with my colleagues to deal more effectively with this tragic problem of hunger.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 3919, AS MODIFIED

Mr. WELLSTONE. Mr. President, first of all, I ask unanimous consent I may send a technical correction to the desk. A sentence was written on the wrong line. I ask unanimous consent I modify the amendment. This is technical.

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

The amendment, as modified, is as follows:

On page 9, line 7, strike ''$1,000,000'' and insert $1,500,000''.

On line 10 after ''tions'' insert: ''*Provided further,* That not more than $500,000 of the amount transferred under the preceding proviso shall be available to conduct, not later than 180 days after the date of enactment of this Act, a study, based on all available administrative data and onsite inspections conducted by the Secretary of Agriculture of local food stamp offices in each State, of (1) any problems that households with eligible children have experienced in obtaining food stamps, and (2) reasons for the decline in participation in the food stamp program, and to report the results of the study to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate''.

Mr. WELLSTONE. Mr. President, I say to my colleague from Mississippi that I accept what he said in very good faith about the conference committee, and if he can, in his wisdom and experience, strengthen this amendment, I am all for that. When he tells me he will do everything he can to advocate for this amendment, I accept his word. There is no question about it.

The second point I wish to make is just to clarify, or make the RECORD clear, that my indignation is not so much that ''my'' amendment was taken out in conference committee. I don't really care about it being my amendment. What bothers me, what troubles me, I say to Senator COCHRAN, is that—and I cited about seven or eight different studies, good studies done by good people—we do have before us a very important challenge.

We have seen this dramatic decline. We know how important this program can be. We are getting reports that there are a lot of families eligible who are not participating. We are getting the reports from all the religious communities that the use of the food shelves are going up. We are getting reports from teachers in schools telling us kids are coming to school malnourished.

So I am saying I find it a little hard to understand how in conference last year certain folks, whoever they were, just took this out. They were not interested in knowing. I think we ought to care about this. I insist we do. I know the Senator from Mississippi does.

I think we will get a strong vote in the Senate and that will be good. The Senate will be strongly on record and I hope we can carry this in conference. I thank the Senator for his support. I yield the floor.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 3919, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The result was announced—yeas 90, nays 6, as follows:

[Rollcall Vote No. 222 Leg.]

YEAS—90

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

NAYS—6

Helms	Smith (NH)	Thompson
Sessions	Thomas	Voinovich

NOT VOTING—3

Bunning	Kerry	Murray

The amendment (No. 3919), as modified, was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, parliamentary inquiry: Is the status of the RECORD appropriate for the calling of another amendment?

The PRESIDING OFFICER. It is appropriate.

AMENDMENT NO. 3958

Mr. SPECTER. Mr. President, I call up amendment No. 3958 on behalf of Senator KOHL, Senator SANTORUM, Senator MOYNIHAN, Senator KERRY of Massachusetts, Senator BIDEN, Senator HUTCHISON of Texas, Senator LAUTENBERG, Senator SCHUMER, Senator WARNER, and myself.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows.

The Senator from Pennsylvania [Mr. SPECTER], for himself, Mr. KOHL, Mr. MOYNIHAN, Mr. SANTORUM, Mr. KERRY, Mr. BIDEN, Mrs. HUTCHISON, Mr. LAUTENBERG, Mr. SCHUMER, and Mr. WARNER, proposes an amendment numbered 3958.

Mr. SPECTER. 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:

(Purpose: To correct an unintended termination of the authority of Amtrak to lease motor vehicles from the General Services Administration that results from previously enacted legislation)

At the end of chapter 6 of title II of division B, add the following:

SEC. 2607. Amtrak is authorized to obtain services from the Administrator of General Services, and the Administrator is authorized to provide services to Amtrak, under sections 201(b) and 211(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(b) and 491(b)) for fiscal year 2001 and each fiscal year thereafter until the fiscal year that Amtrak operates without Federal operating grant funds appropriated for its benefit, as required by sections 24101(d) and 24104(a) of title 49, United States Code.

Mr. SPECTER. Mr. President, this amendment would restore Amtrak's eligibility to continue leasing vehicles from the General Services Administration's Interagency Fleet Management System.

The Amtrak Reform and Accountability Act of 1997 inadvertently removed this eligibility. By way of further explanation, in the Amtrak Reform and Accountability Act of 1997, Amtrak was removed from the list of ''mixed ownership and government corporations.''

An inadvertent and unintended consequence of this change was brought to Amtrak's attention earlier this spring. The Federal Railroad Administration questioned Amtrak's eligibility to continue leasing automobiles from the General Services Administration's Interagency Fleet Management System. The Federal Railroad Administration and General Services Administration agreed that Amtrak was no longer eligible.

As a result of this inadvertent change, there is a fleet of some 1,650 vehicles for which Amtrak currently pays $10 million to lease through the General Services Administration. If Amtrak is forced to lease its vehicles privately, it will cost a total of $25 million annually.

The Amtrak Reform and Accountability Act was intended to allow Amtrak to transition to operating self-sufficiency.

This legislation was not intended to put new financial burdens on the corporation, which is in a transition to operating self-sufficiency. This problem

was called to my attention yesterday by Governor Tommy Thompson, who is Chairman of the Amtrak Board of Directors. The operation for Amtrak has been in high gear to operate like a business in its goal to achieve operational self-sufficiency by fiscal year 2003. The strategy that Governor Thompson and others have articulated, as provided to me, involves, one, developing high-speed rail corridors; two, building a market-based rail network; three, forging partnerships with State and local authorities and large commercial clients; and four, offering a new service guarantee, which is unparalleled in the transportation industry.

These strategies are already producing very considerable results. Amtrak's annual revenues reached a record of $1.84 billion in fiscal year 1999. Just over 21 million passengers traveled on Amtrak last year, for a third consecutive year of ridership growth. Overall ridership in the last 5 months is up 8 percent over the same period of last year. Ridership on the high-speed regional service corridor is up nearly 40 percent over the trains that were replaced.

Further information provided to me is that the development of more commercial partnerships has boosted mail and express revenue by 35 percent in this calendar year. Amtrak's net worth growth strategy, introduced in February, will expand passenger rail service to 21 States, based on a comprehensive economic analysis of the national rail system and potential market opportunities. The national growth strategy is expected to add as much as $229 million of revenue by the year 2003. New partnerships have been forged with Motorola, Dobbs, and Hertz Corporation, among others. Amtrak's new web site for ticketing has been named one of the 100 most popular bookmark sites on the Internet. For fiscal year 2000, sales are up 113 percent over the same period last year.

Since Amtrak's announcement of its service guarantee, it has recorded a satisfactory rate of 99.97 percent. These results point to the successful turnabout Amtrak is making in its efforts to achieve operational self-sufficiency. A goal has been set for Amtrak, and Amtrak is taking the proper steps to achieve that self-sufficiency. My suggestion to the Senate is that we not undermine the corporation by forcing it to swallow some $15 million in unintended costs, while losing its GSA eligibility for the remainder of the glidepath.

The General Services Administration, Federal Railroad Administration, and Amtrak agreed that the legislation referred to contained an unintended consequence and should be rectified. Amtrak must return all 1,650 vehicles by October 1 of this year, under the existing law. This provision puts an undue and unwarranted burden upon the General Services Administration, which does not want many of these specialized vehicles back in their inventory because they have nobody else who would lease them, so it would be a loss to GSA, as well.

This amendment would restore Amtrak's eligibility to continue leasing vehicles from the General Services Administration's Interagency Management Fleet. I am advised by staff, who have consulted with the staff of the General Services Administration, that both GSA and the Federal Railroad Administration, as well as Amtrak, support this amendment.

Mr. President, it would be preferable, candidly, not to put this amendment on the Agriculture appropriations bill. I have consulted with the Parliamentarian, and there is a defense of germaneness, which is an answer to a challenge on grounds that this is legislation on an appropriations bill. The provisions of H.R. 4461 that we are currently considering, on page 5, line 9, provides the following under ''Payments, Including Transfers of Funds'':

> For payment of space rental and related costs pursuant to Public law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of the General Services to the Department of Agriculture under 40 U.S.C. 486, for programs and activities of the Department which are included in this Act, and for the operation, maintenance, improvement, and repair of Agriculture buildings, $150,343,000, to remain available until expended.

As I say, I am advised by the Parliamentarian that this language is sufficient to establish germaneness, and germaneness is a defense for challenging this amendment as legislation on an appropriations bill.

There is an obvious concern raised here about whether Amtrak should be able to have the benefit of this leasing arrangement because Amtrak is supposed to be self-sufficient, some might say. The reality is that Amtrak is under a transition period to attain self-sufficiency. We are looking at an additional 2-year window here. I suggest that the savings of $15 million to Amtrak really would not be at the expense of the Federal Government. These are savings which, if the leasing were not possible, and the GSA has nobody to lease it to, is actually a net gain for the Federal Government. While Amtrak would have to pay $25 million annually instead of $10 million to GSA, if GSA doesn't have anybody to lease these vehicles to, which is what has been represented to me, it ends up that the Federal Government loses $10 million, which it would get from these leases. So it is a win-win situation for the Federal Government to have the $10 million in lease payments, and it saves Amtrak some $15 million.

What we really need to do is, obviously, put Amtrak back on its feet. In the course of just a few minutes today, I was able to find 10 cosponsors of this legislation. If we had more time to survey the Senate, I think we would find many more Senators. I don't think this is necessary as a disclosure of interest, but I have an interest in Amtrak, besides being a Senator, in wanting Amtrak to succeed. I ride Amtrak every day. It is really an enviable position to be in, whereas some of my colleagues have to fight airplane schedules. Some of us can ride the metroliner, which leaves on the hour. I can tell you that the metroliner is good service, and the other service is excellent as well. Those trains are filled and they are money-makers. The new Acela train is about to be established, which will get from Washington to Philadelphia even faster.

Amtrak has come out with a new guarantee and it is moving ahead. There is no reason, it seems to me, to let this technicality stand, which would cost Amtrak $15 million and probably cost GSA $10 million if, as expected, it is unable to lease out all of these vehicles, which would be returned on October 1 of this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise in objection to the amendment. Bismarck said there are two things you never want to see made, and that is laws and sausages. This really is another one of these wonderful sausages.

If a government student from a college or high school or university from around the country came here and was sitting in the galleries observing this, and someone told them we are now addressing the agricultural appropriations bill, one would then assume that it has to do with agriculture and farmers, the agricultural section of this country, and that it would probably have some very worthy aspects of it.

Then this student observes the Senator from Pennsylvania stand up and say: We are going to get the GSA to lease automobiles for Amtrak. Excuse me? That is a railroad.

For the benefit of those students who observe these things, I would like to tell you how we got here.

Amtrak first came to my committee—which happens to be, although it is routinely ignored lately, the authorizing committee particularly as we go through the appropriations process. They came to the Commerce, Science, and Transportation Committee and said: We would like to have this done—although interestingly stated by the Senator from Pennsylvania—because basically they do not want to have to pay to lease automobiles to have their operations go forward. They wanted us to put it in as part of the National Transportation Safety Board reauthorization.

After examining their proposal, and knowing that the whole object of the reform of Amtrak was to make them

independent of the Federal Government, and now they want to take advantage of a situation that only governmental organizations can take care of —that is, General Services Administration leasing—we said no.

They have some pretty highly paid lobbyists around town. They are pretty influential. They went to the government oversight committee, to Senator THOMPSON, and to his staff. They tried to float it by them because Senator THOMPSON's Committee on Governmental Affairs has oversight of the General Services Administration.

Senator THOMPSON, his staff, and his committee rejected it out of hand—again because a nongovernment organization should not have access to the facilities and capabilities that a governmental organization does. That was rejected.

The Amtrak lobbyists were flailing around town. Senator THOMPSON honored me with a phone call. He said: How do you explain the fact that the whole effort of the Amtrak Reform Accountability Act, Public Law 104–34, was intended to make Amtrak independent of the Federal Government—which, by the way, is not too important, to revisit history.

In 1971, Amtrak was formed for only 2 years, I say to my colleagues, and then to be completely independent. Of course, after being at the Government trough since 1971, we finally decided that they had just about enough when we enacted the Amtrak Reform Accountability Act.

They finally found a willing servant and messenger in the Senator from Pennsylvania, and I congratulate him. So here we are with an amendment on the Agriculture appropriations bill that has to do with Amtrak, which, as the Senator from Pennsylvania alluded to, he rides regularly. I am sure he is an avid supporter of it. But this is $15 million. Actually, they came to us the first time and said it was a $4 million deal. It has increased somehow magically in the last 6 weeks or so to $15 million. I guess that dramatized the gravity of their situation.

I say to my government student who is observing this, I can tell you that the way we ended up with this particular sausage is that the Amtrak lobbyists with all of their influence could not get what they wanted through the committee of oversight. They couldn't get what we wanted through another committee of oversight; staff and those who had jurisdiction rejected this idiotic proposal out of hand. So now we have an amendment on the Agriculture appropriations bill.

The supporters of this amendment allege its purpose is to correct an unintended—in the words of the Senator from Pennsylvania, unintended and unintentional—consequence of legislation enacted in 1997, the Amtrak Reform Accountability Act. Not so. Not so. The whole purpose of the Amtrak Reform and Accountability Act of 1997, of which I was a part, was to divorce Amtrak from the Federal Government and the largess and the perks and other good deals that can be had being a part of the Federal Government.

Have no doubt, my friends, coming from a Senator who was intimately involved in the act, there was no unintended consequence. There was no inadvertency associated with it. This is simply an attempt on the part of Amtrak to save themselves $4 million, or $15 million, whatever it is.

One of the main purposes of the act is to direct Amtrak to run more as a real for-profit business. There are other organizations, such as Fannie Mae, that are in exactly the same status as Amtrak. Fannie Mae doesn't get GSA leasing of their cars. Freddie Mac doesn't get GSA leasing of their cars. But we are going to do it for Amtrak.

I guarantee you, my friends, we are going to have a hearing in September, I say to my colleagues, on this great reform, and all of this success which the Senator from Pennsylvania just trumpeted, you are going to find out it is not true. As far as I know, Amtrak is going to be feeding from the public trough for as long as any Member of this body is alive.

We just had a Member of the advisory committee resign in disgust and anger over what has transpired since this act was passed in 1997.

I don't expect to win. I don't expect to win this amendment. But I am going to make the American people aware of this bizarre situation where we have a railroad formed in 1971, and the commitment at that time was that railroad would be Government supported for 2 years. Count them: One, two. Since 1971, in the intervening 29 years, the billions and billions and billions of taxpayer dollars that have been expended on Amtrak stagger the imagination. Someday, somebody will write a very interesting treatise. In fact, several have already been written.

In regard to the arguments of ''unintended consequences,'' let me assure my colleagues we have experienced a slew of unintended consequences since the reform law was enacted—a slew of unintended consequences. Let me mention a couple.

When we all agreed to remove the former board of directors so Amtrak would have a clean slate with new leadership and fresh ideas, we never thought the board members serving at the time of enactment would then be appointed to the new reform board. But that is what happened.

When we called for the creation of an 11-member Amtrak reform council and were specific about membership criteria and eligibility, we never expected the one representative of the rail industry to be a sitting mayor not affiliated with the industry at all. But that is what occurred, my friends—laws and sausages.

When we authorized substantial capital and operating funds for the duration of the 5-year bill, we never expected the administration to request only about half of the authorized funding. But that is what occurred, despite the nonstop rhetoric about the administration's support for Amtrak.

When we were all convinced that Amtrak would utilize the $2.2 billion ''tax refund''—one of the more interesting sausages that were fashioned here in the Senate; there was a $2.2 billion tax refund on taxes that was never paid, one of the more interesting ones I have seen here—we were all convinced that Amtrak would utilize the $2.2 billion ''tax refund'' released by enactment of the reform legislation for high return capital investments—the commitment of the $2.2 billion for high return capital investments. We didn't expect Amtrak to use that money to pay for gym membership, movie tickets, and for some of its labor force. But that is what occurred.

I can understand Amtrak's desire to undo parts of the 1997 law it no longer likes. I am certain a number of Members would like to change certain things about the law here and there, particularly as we are getting closer to the operational self-sufficiency deadline in 2 years.

By the way, there is no outside expert who believes we will reach that operational self-sufficiency deadline, which we will carefully examine as the committee of oversight, as the committee that is responsible for the authorizing—not the Agriculture Appropriations Subcommittee. We will examine it. But I believe an agreement is an agreement. And this bill was adopted unanimously.

I think Amtrak should be relieved we are not instead requiring it to repay the Treasury for the money it saved by participating illegally in the program for nearly 3 years. Amtrak has been participating in this program, as judged by outside observers, illegally. It should have been halted.

It is true not all Members share the same perspective concerning the obligation imposed upon the American taxpayers to fund Amtrak for its 29 years of subsidization, even though Amtrak was to have been free of all Federal assistance 2 years after it was established in 1971. However, we did work together and support enactment of reform legislation with the intent to give Amtrak the tools it said it needed to become operationally self-sufficient.

I have not acted to alter the agreement reached as part of the reform legislation, and I find it a breech of that agreement that Amtrak and others are routinely seeking changes through the appropriations process to allow it to do things not approved by the authorizing committee of jurisdiction. Be assured,

I say to my colleagues now, we have a little dust up here. But when Amtrak tries to obtain a $10 billion funding scheme, there is going to be a big fight about that one, my friends. I know it is coming. It hasn't fulfilled the first and quite substantial statutory obligation to operate free of taxpayer expense.

Amtrak asked for legislation that allowed it to operate more as a private business, and we enacted such legislation. As other former Government-controlled agencies have moved toward privatization, they didn't enjoy the freedom to pick and choose what governmental support programs they could use to their advantage. When Congress set up other corporations such as Freddie Mac, COMSAT, and Fannie Mae, they did not and do not participate in GSA leasing. The fact is, nongovernmental entities do not participate in the GSA vehicle leasing program. Amtrak can't have it both ways, although they probably will.

Finally, I find it very strange that since this issue was brought to my attention in March, Amtrak has said the GSA leasing eligibility saves $4 million annually—probably a lot of money to a company that lost more than $900 million last year; $900 million was all they lost last year. Yet now that an amendment is being offered on the floor, Amtrak has raised the bar and this week Amtrak is telling me the provision would save some $15 million annually. Which of Amtrak's numbers should we believe? At a minimum, the authorizing committee should have an opportunity to explore this new figure before we are asked to adopt any changes in existing law.

As I said, we will be having a hearing on Amtrak, as is our responsibility as the authorizing committee, in early September to carefully explore this and many other critical issues. Until this issue has been looked at by the committee of jurisdiction, I urge my colleagues to defeat the amendment.

We find ourselves, a week before leaving, with an amendment that was first sought to be addressed by the committee of authorization, the Committee on Commerce, Science, and Transportation. We refused to do so because it was clearly not in keeping with the law. Then they went to another committee of authorization. They wouldn't do it. So now what does the Senator from Pennsylvania do? Something to do with Amtrak, a train, is on the Agriculture appropriations bill.

Another example of laws and sausages. To all those students of government who may be watching and observing this bizarre process, my friends, it is an argument for reform of the way we do business in this body. The authorizing committees are becoming more and more irrelevant as each legislative day goes by. I am close to the point where we either do away with the Appropriations Committee or we do away with the authorizing committees. To come on this floor and have a clear legislative change, even though it may not meet the exact parameters of germaneness in rule XVI, and make a clear elective change on a bill that has nothing to do, first of all as an appropriations bill, and second of all has no relation to Amtrak, I find offensive.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise to support the Specter amendment. I hope it will prevail for reasons that I don't think have been discussed thus far.

One thing that we are not talking about is whether or not, since legislation was passed some time ago that might be more restrictive to Amtrak, the conditions have changed. One need not be a transportation engineer to know you can't get off the ground at airports. I waited the other day 5 hours for a flight to go to New Jersey from here. We were on the ground 5 hours.

There are almost no airports of any size that aren't constantly late. There aren't places that one can travel by car or by bus that you can get where you want to be in a reliable period of time. We saw the front page news on the Washington Post 2 days ago about the disappearance of mountaintops, surrounded by smog, because the country is being overwhelmed by transportation and environmental problems. Conditions have changed.

When we want to make comparisons between Amtrak and private businesses, we have to recognize there is no place in this world, no place, where there isn't a subsidy provided for rail service so people can travel from place to place—such as the subsidy we offer when we build airports and we provide and charge the passengers a tax to ride in an airplane. We have a passenger facility charge. Or that if one wants to buy gas at a gas station, we have a Federal tax; we have State taxes. Amtrak doesn't have that ability. Amtrak is the poor stepchild. It offers a service to lots and lots of people who can't find any alternative that is satisfactory or available to them.

I don't like spending money. I happen to come from a strong business background. I know the difference between business and government. Amtrak is not a business like other businesses. It requires help. What we said in the commitment that was made for Amtrak was that we would not require that they meet operating needs out of the fare box. That is what we said would happen. Capital costs—and those are the things we are talking about—are part of the operating budget. We are forced at times to use operating funds for capital costs. The thing is all backwards. We are similiar to a Third World country in a process that has us asking passenger railroads to do things that no other country does.

Germany has advanced their transportation systems, investing $10 billion a year in developing rapid rail transportation. In France, you can travel from Brussels to Paris in an hour and 25 minutes; the distance is 200 miles. That is what we ought to be talking about.

Take the pressure out of the skies. There is no more room for airplanes in the skies. There is no latitude. We can build more airplanes but you still won't be able to fly the planes. We have broken the rules. We expanded the number of slots at Reagan National because of requests from some of the people here, Senators who wanted to have particular access. Break the rules. Give us access. What do we care about the rules, about the number of flights that can come in and go, from whatever distances. Break the rules.

We are not talking about breaking the rules. We are talking about extending an opportunity for many in the American public to be able to travel and get to their destinations on time with a degree of comfort that permits them to arrive at their destination and be able to conduct their business or see their families or get to school or whatever else they have to do.

It is a fairly simple equation. I hope we will support the Specter amendment.

I think what it does do is it says to people who need passageway, who need an opportunity to get from place to place that is not otherwise ordinarily available, and that is to permit these leases to be supported by GSA. To save Amtrak? No, not to save Amtrak; to save the passengers, to save the rail riders $15 million a year. That is what we are talking about saving.

Amtrak is not the issue. The issue is whether or not we can transport the people who inhabit this country in a way that is reasonable without continuing to foul the air or delay them interminably.

I hope we can conclude this vote and get the issue resolved. I do not like disagreeing with the chairman of the Commerce Committee. They have jurisdiction. But in this case I happen to think the perspective is wrong; that there is not recognition of what our country's needs are. They have changed so radically in the past few years. Look at airline passenger traffic. See how much it has grown. See how much more the highways are used now than only a few short years ago. The situation has changed. Are we going to continue to take an attitude that it doesn't matter what we are doing to the environment; it doesn't matter how late the airplanes are; it doesn't matter how costly rides are; regardless of that, we are not going to permit it to happen?

I hope we will extend this extra opportunity for Amtrak and for its passengers to continue to operate and get us to the point, when we get high-speed rail in there, we can meet our operating costs and we can provide the kinds of service one would expect in a country such as ours.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I rise in strong support of the amendment which I am cosponsoring with my colleague from Pennsylvania. As you know, this amendment will allow Amtrak to continue leasing vehicles from GSA through 2003. We are all eager to see Amtrak continue progressing toward self-sufficiency. Without this amendment, we will be jeopardizing their ability to achieve that goal.

In my own State, half a million people from Wisconsin ride Amtrak every year. It is very important not only to Wisconsin but to every State that Amtrak continue its progress toward viability. We must continue to allow Amtrak to transition to self-sufficiency by 2003.

This amendment is very crucial to that effort. I urge my colleagues to support the amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I welcome an opportunity to present these issues to students. Anyone in the balcony observing this debate, students, and as the Senator from Arizona alludes to students, perhaps a more elite audience, wanting to know the theory, the philosophy, the approach, the ethics of the proposition, I welcome addressing students on this subject as I spend a good bit of my time addressing high schools, colleges, junior high schools, and even grade schools taking the message to the students about what government ought to be doing.

It is a fairly common reference—not too humorous anymore—to analogize making sausage to the making of legislation. But the making of legislation is a very complicated matter. It has to take into account the accommodation of 260 million Americans and many contrary issues and many contrary differences.

When the argument is raised about this is a matter turned down by the authorizing committee, the Commerce Committee, and turned down by the Governmental Affairs Committee—they are not the last word. The chairman of the Commerce Committee does not have the last word. He may have it as the Commerce Committee is organized, directed, and run. And the chairman of the Governmental Affairs Committee may have the last word as to how that committee is run. But the Senate has the last word.

There are 100 of us and each Senator has rights under the rules of the Senate. When this Senator offers an amendment, this Senator is offering an amendment within his rights. Even if the full Commerce Committee backs the chairman, or even if the full Governmental Affairs Committee backs the chairman, those committees are not the last word. The last word is the Senate, the 100 Members who constitute the Senate.

In offering this amendment, this Senator is functioning within the rules. When the Senator from Arizona says that this amendment has nothing to do with agriculture and he finds the amendment offensive, I take a little offense at that. I set forth the germaneness, which entitles this amendment to be offered on this bill.

It is not an unusual occurrence in the Senate to offer legislation on an appropriations bill. That rule has been breached so often that it is hardly referenced anymore. We are trying to come back to a standard of not legislating on an appropriations bill, but the rules of the Senate govern that, and I cited the provisions of the bill we are considering from the House of Representatives which makes this germane.

That is the advice I received from the Parliamentarian. That is not my own peculiar, personal opinion. If someone wants to challenge the amendment, there are ways to do so if someone says this violates the rules. But I do not think it does, and the Parliamentarian does not think it does.

When there are references to illegal activities by Amtrak, if there are illegal activities, let's refer it to the Department of Justice. Some might say a reference to the Department of Justice doesn't do much good in the United States of America today, and I would not want to argue that point too vociferously, but let's give them a chance. Has it been referred to the Department of Justice?

I attended a hearing of the Appropriations Subcommittee on Transportation where Governor Thompson appeared last year. But we met yesterday on another matter. He called this issue to my attention.

This is not exactly my purview, to take up this issue. It doesn't come within any of my committee responsibilities. But no high-priced lobbyist came to me to talk about this issue, a high-priced lobbyist who might be fundraising for me. Nobody came to talk to me about it. In fact, not even a low-priced lobbyist came to me to talk about it. But Governor Thompson, a very distinguished American and very distinguished public servant, did. I told him I was concerned about it. Before the afternoon, I had a flood of telephone calls from Amtrak, asking me to look into it, to check it out.

This morning I called Senator KOHL who had been working on the matter. Then I started to canvas a few Senators and got 10 cosponsors very promptly. Senator JEFFORDS—I ask unanimous consent he be added as a cosponsor.

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

Mr. SPECTER. There is a reference here to ''idiotic.'' I take more than umbrage at that, and would cite rule XIX which says:

> No Senator in debate shall, directly or indirectly, by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

I can't represent whether I was called an idiot, or whether I was said to have offered an idiotic amendment. But either way, offering an idiotic amendment is not becoming conduct for a Senator. And I consulted with the Parliamentarian. The rule is that a Senator may challenge another Senator who violates rule XIX by standing and saying: I call the Senator to order.

I choose not to do that. I don't want to make a Federal case of it. But, also, I choose not to ignore it, and I think it is unbecoming conduct for a Senator to offer an idiotic amendment. But I don't think this amendment is idiotic. But I will let the body decide that on a vote, either on a challenge on procedural grounds or on a vote on the merits.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, if there has been any offense taken by the Senator from Pennsylvania, it was not intended, and I would hope he would accept my apologies if he took offense. I think this amendment is wrong.

It is inappropriate, and it is dead wrong, and the facts, as I stated as to how this amendment got on an Agriculture appropriations bill, are accurate. It first went to the Commerce Committee where they tried to get us to do it, and we would not because we do not believe it is in keeping with the law.

Then they went to the Governmental Affairs Committee and now it has ended up being put as an amendment on the Agriculture appropriations bill. That is wrong. I did not challenge the parliamentary right of the Senator from Pennsylvania to do so. We had the same parliamentary reading that the Senator from Pennsylvania did.

I think this amendment is a violation of the agreement that was made in 1997 in the form of the Amtrak Reform and Accountability Act, P.L. 105–134.

Again, if the Senator from Pennsylvania took offense at something I said personally, then he has my apologies. That does not change the fact that this amendment is the wrong thing to do. I strongly oppose it, and I believe if we continue, as I said in the conclusion of my remarks previously, if we continue to authorize and legislate on appropriations bills, this practice will continue

the breakdown of the procedures that are intended and established by the Senate.

I stand by those words, and I again say, even though it may not be in violation of the strict parliamentary rules, it is wrong to put an amendment concerning Amtrak on Agriculture appropriations bills. I believe I have that right to believe that is an inappropriate way, and the Commerce Committee or the Governmental Affairs Committee should have reviewed this and did review it and should be allowed the jurisdiction.

Nor did I at any time tell the Senator, or in my remarks to the body, that every Senator does not have their right to a proposed amendment on whatever issue they wish. That is why we have a Parliamentarian. Never at any time—certainly not this Senator—would I say that an individual Senator should be deprived of his or her rights since I exercise those with some frequency.

I hope that clarifies the intent of my remarks which are that this amendment is not in keeping with the Amtrak Reform and Accountability Act, and I do not believe—and as a Senator I have the right to the view—that it is not appropriate to be placed on an Agriculture appropriations bill.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Colorado.

Mr. ALLARD. Mr. President, I also rise in opposition to this amendment and join my colleague from Arizona in his opposition. We just held a number of hearings in the Housing and Transportation Subcommittee of the Banking Committee. I chair this subcommittee. We found that we even have the Federal Transit Administration subsidizing Amtrak. Clearly, in my mind, when I look at the 1997 accountability act, Congress intended to move Amtrak to self-sufficiency.

Amtrak claims to be a private corporation, and, plainly and simply, private corporations are not eligible to lease Government vehicles.

I have grown increasingly skeptical about what is going on with Amtrak. It seems they found a way of picking up Government subsidies all over the place.

Several years ago, the FTA required—I want to get back to some other issues that may either be directly or indirectly related to this amendment, but several years ago, The Federal Transit Authority required the Massachusetts Bay Transportation Authority to bid out contracts for their commuter rail services. Four companies bid. Amtrak had the highest cost bid and lowest quality.

This will cost taxpayers $75 million above the low bid. This is a $75 million, 3-year subsidy on top of the nearly $600 million annual subsidy Congress grants Amtrak. Now they want the subsidy of leasing Government vehicles. I ask my colleagues: When are we really going to require Amtrak to be self-sufficient?

For that reason, I oppose this amendment with my colleague from Arizona and urge a ''no'' vote.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, by way of brief response to the argument by the Senator from Colorado, I agree with him that Amtrak needs to be self-sufficient, and that is the purpose of the legislation. The question is, How fast is that going to occur? They are looking for self-sufficiency under the existing legislation by the year 2003. What they are asking for here is an extension from October 1, 2000, to October 1, 2002. I went into some detail on the information provided by Governor Thompson, who is chairman of the Board of Amtrak, as to the progress which they are making.

When the Senator from Arizona says there is no mistake here, he may be right about that. Maybe this is not an unintended consequence, but where you have a provision which reaches the extent of leasing under these circumstances, I doubt that anybody thought about that when the legislation was drafted. Maybe it is not an unintended consequence, but I doubt very much that it is an intended consequence. It is something that happened that nobody had thought about. Perhaps if nobody had thought about it, it is genuinely an unintended consequence.

Considering the issues we face in this body, when you are talking about $15 million, although not unsubstantial, we seldom take a protracted period of time as we wrestle with the budget of $1.850 trillion. I have not calculated the percent, but it is a mighty tiny fraction. This is symbolic as to what we are trying to do to get Amtrak on its feet.

When the Senator from Arizona says it is wrong to put this amendment on this bill, I have to categorically disagree with that as a matter of fact because if the rules allow this amendment to go on this bill, it is not wrong to put this amendment on this bill. It may be an unwise amendment, it may be against public policy, but it is not a wrongful act to put this amendment on this bill when the advice that the Senator from Arizona got was the same as the advice this Senator got: that as a matter of parliamentary procedure, it is an appropriate matter.

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

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3958. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KERRY), and the Senator from Washington (Mrs. MURRAY), are necessarily absent.

The result was announced—yeas 72, nays 24, as follows:

[Rollcall Vote No. 223 Leg.]

YEAS—72

Abraham	Edwards	Lugar
Akaka	Feingold	McConnell
Baucus	Feinstein	Mikulski
Bayh	Graham	Moynihan
Bennett	Grassley	Murkowski
Biden	Harkin	Nickles
Bingaman	Hatch	Reed
Boxer	Helms	Reid
Breaux	Hollings	Robb
Bryan	Hutchinson	Roberts
Burns	Hutchison	Rockefeller
Byrd	Inouye	Roth
Chafee, L.	Jeffords	Santorum
Cleland	Johnson	Sarbanes
Cochran	Kennedy	Schumer
Collins	Kerrey	Snowe
Conrad	Kohl	Specter
Crapo	Landrieu	Stevens
Daschle	Lautenberg	Thompson
DeWine	Leahy	Thurmond
Dodd	Levin	Torricelli
Domenici	Lieberman	Voinovich
Dorgan	Lincoln	Warner
Durbin	Lott	Wellstone

NAYS—24

Allard	Frist	Mack
Ashcroft	Gorton	McCain
Bond	Gramm	Sessions
Brownback	Grams	Shelby
Campbell	Gregg	Smith (NH)
Craig	Hagel	Smith (OR)
Enzi	Inhofe	Thomas
Fitzgerald	Kyl	Wyden

NOT VOTING—3

Bunning	Kerry	Murray

The amendment (No. 3958) was agreed to.

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

Mr. COCHRAN. 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 North Dakota is recognized.

Mr. DORGAN. Mr. President, the amendment I will be sending to the desk is on behalf of myself and Senators CONRAD, WELLSTONE, GRAMS of Minnesota, TORRICELLI, SCHUMER, LEVIN, LEAHY, KENNEDY, REED, SARBANES, DODD, LIEBERMAN, MIKULSKI, HOLLINGS, BAUCUS, and BREAUX.

The amendment would provide some emergency financial assistance for family farmers that have incurred disaster losses.

AMENDMENT NO. 3963

(Purpose: To make emergency financial assistance available to producers on a farm that have incurred losses in a 2000 crop due to a disaster and to producers of specialty crops that incurred losses during the 1999 crop year due to a disaster)

Mr. DORGAN. Mr. President, I now send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, Mr. CONRAD, Mr. WELLSTONE, Mr. GRAMS, Mr. TORRICELLI, Mr. SCHUMER, Mr. LEVIN, Mr. LEAHY, Mr. KENNEDY, Mr. REED, Mr. SARBANES, Mr. DODD, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. HOLLINGS, Mr. BAUCUS, and Mr. BREAUX, proposes an amendment numbered 3963.

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

Mr. McCAIN. I object.

The PRESIDING OFFICER. The clerk will read the amendment.

The assistant legislative clerk read as follows:

At the end of chapter 1 of title I of division B, add the following:

SEC. 1108. CROP LOSS ASSISTANCE.—(a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation (not to exceed $900,000,000) to make emergency financial assistance available to producers on a farm that have incurred losses in a 2000 crop due to a disaster, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), including using the same loss thresholds as were used in administering that section.

(c) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to damaging weather or related condition (including losses due to scab, sclerotinia, aflotoxin, and other crop diseases) associated with crops that are, as determined by the Secretary—

(1) quantity losses (including quantity losses as a result of quality losses);

(2) quality losses; or

(3) severe economic losses.

(d) CROPS COVERED.—Assistance under this section shall be applicable to losses for all crops, as determined by the Secretary, due to disasters.

(e) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(f) LIVESTOCK INDEMNITY PAYMENTS.—The Secretary may use such sums as are necessary of funds made available under this section to make livestock indemnity payments to producers on a farm that have incurred losses during calendar year 2000 for livestock losses due to a disaster, as determined by the Secretary.

(g) HAY LOSSES.—The Secretary may use such sums as are necessary of funds made available under this section to make payments to producers on a farm that have incurred losses of hay stock during calendar year 2000 due to a disaster, as determined by the Secretary.

(h) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SEC. 1109. SPECIALTY CROPS.—(a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers of fruits, vegetables, and other specialty crops, as determined by the Secretary, that incurred losses during the 1999 crop year due to a disaster, as determined by the Secretary.

(b) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to a disaster associated with specialty crops that are, as determined by the Secretary—

(1) quantity losses;

(2) quality losses; or

(3) severe economic losses.

(c) ELIGIBILITY.—Assistance under this section shall be applicable to losses for all specialty crops, as determined by the Secretary, due to disasters.

(d) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(e) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am reluctant to say this, but I have to sooner or later. How many items are we going to keep adding and calling them ''emergencies''? We have already passed a lot of emergencies for agriculture. I believe there are emergencies in this bill. I just wonder how many more we can come to the floor with. Everybody should know that when you come here and designate it as an emergency under the Budget Act resolution, it means it doesn't count against anything. If we want to, we can be down here the rest of this evening adding additional items and saying they are emergencies.

I don't know enough about this amendment. It is difficult to understand, even though it has been read. But we do know one thing: It costs $900 million.

Obviously, there are some who do not want anybody interfering with people's ability to come down here and add money. But I frankly think what we ought to do is test this one out. I don't believe it is the right amendment to adopt as an emergency. I think maybe we will discuss it. Some will decide what it looks like and understand it. I don't know. But I am going to make a point of order that this amendment contains an emergency designation in violation of section 205 of H. Con. Res. 290, the fiscal year 2001 budget resolution.

I am perfectly willing to have a debate. We have the statute in front of us. If the Senator wants to make a case for the Senate that in fact he has a brand new emergency, it wasn't available to the committee. It wasn't available the last two times we had an agriculture supplemental—a number of which were emergencies for which we paid billions of dollars. I can recall a couple that were $7 billion. One was $6 billion. Then there are lesser ones now that are all supplementals for emergencies for agriculture. I have been told there is no limit so don't bother. There is no limit to those things that will pass as emergencies in the agricultural area.

It is kind of difficult when it is an agricultural issue to get up here and say this because there are some in my State; there are some in other States. I am sure when we are through understanding this amendment, they will try to convince us that everybody should vote for it because it affects them. Frankly, even if it does affect them, it doesn't mean we have to determine that it doesn't count. It should count.

I have a statute in front of me. I will yield the floor for a moment. Perhaps the Senator from Texas would like to read the statute.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I say to the Senator from New Mexico and also to the Senators from Texas and Arizona that it is my intention, having offered this amendment, to ask unanimous consent to withdraw the amendment after I have had a chance to discuss exactly what the Senator from New Mexico just described—new events that have occurred that have been quite disastrous in my State and some others that are now occurring in a significant region of the country dealing with drought.

My point is to say this about this amendment—and some of my colleagues will want to reinforce it. We have an agricultural disaster, not with respect to the collapse of commodity prices but with respect to floods and drought that have destroyed a significant number of crops in various parts of our country.

If I might, with my colleagues' consent, show a picture of a fellow standing in front of about 300 acres of soybeans. As you can see, it is of course nothing but water. These soybeans are gone. It is the result of a June 12 and June 13 deluge of rain that fell in the

Red River Valley, somewhere in the neighborhood of 16 to 19 inches of rain in a period of about 36 hours.

Let me say that again.

In the Red River Valley, on dead flat land, 16 to 19 inches of rain fell in some areas in about 36 hours. Then on June 19, in Cass County, and in Richland County, and several other areas of the State, in a 6-hour period a group of thunderstorms came together and dumped 8 to 9 inches of rain in a very short period of time. The result was fields as far as the eye could see that looked exactly like this, with crops planted that are devastated and destroyed. In fact, in the Red River Valley area, both in the northern and the southern part of the valley, about 1.7 million acres of crops were lost or significantly damaged as a result of those two devastating events.

We also have a significant drought that is occurring right now in the southern part of our country. As you know, crops are burning up at an accelerated pace. We have a disaster occurring for farmers in other parts of the country.

Let me again say it is my intention to seek consent to withdraw the amendment. I offered the amendment for the purpose of saying to the Congress that, yes, in fact, new events have occurred beginning on June 12 and 13 in our State when 18 to 19 inches of rain fell in about 36 hours, devastating a million and three-quarters acres of crop land. New events are occurring this week, and occurred last week, and I assume in the weeks ahead, with respect to the crops in the southern region of the United States.

I think we will have to address this issue. I think somehow we have to find a way to provide some assistance to those family farmers whose crops have been destroyed by a natural disaster.

Some will say perhaps there was some money provided earlier in the year in an agriculture bill for family farmers. That of course is true, and it dealt with the issue of collapsed grain prices. That reimbursement had to do with the collapse of market prices for commodities. There is, however, a circumstance in our country today, given the new laws in recent years, in which we don't have a disaster program available to try to provide some assistance when these disasters occur.

I offered the amendment for the purpose of discussing it, as will my colleague.

At this point, I ask unanimous consent to withdraw the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendment (No. 3963) was withdrawn.

Mr. COCHRAN. Mr. President, on behalf of the managers of the bill, I send a package of amendments to the desk, the agriculture emergency assistance package, and ask that they be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself and Mr. KOHL, on behalf of other Senators, proposes en bloc amendments beginning with No. 3964.

Mr. COCHRAN. I ask unanimous consent that the reading of the amendments be dispensed with.

Mr. McCAIN. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. GRAMM. Is the amendment divisible?

The PRESIDING OFFICER. The Senator sent up a group of amendments that require consent to be considered en bloc.

Mr. GRAMM. I object to them being considered en bloc.

AMENDMENT NO. 3964

The PRESIDING OFFICER. The clerk will report the first amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. HARKIN, proposes an amendment numbered 3964.

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

The PRESIDING OFFICER. Is there objection?

Mr. McCAIN. I object.

Mr. COCHRAN. Mr. President, let me make a point of order and say that it is the intention of the manager to read a description of each of the amendments in the order in which they have been submitted to the Chair so that all Senators will be advised of the nature of the amendment.

I renew my request to ask that the reading of the amendment be dispensed with.

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

Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide the use of funds for the Emergency Watershed Program for emergency expenses for floodplain operations identified as of July 18, 2000)

On page 76, after line 18, of Division B, as modified, insert:

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

''For an additional amount for 'Watershed and Flood Prevention Operations,' to repair damages to the waterways and watersheds, including the purchase of floodplain easements, resulting from natural disasters, $70,000,000, to remain available until expended: *Provided*, That funds shall be used for activities identified by July 18, 2000: *Provided further*, That the entire amount shall be available only to the extent an official budget request for $70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.''

Mr. COCHRAN. For the information of Senators and the edification of all Senators who have asked that amendments be put before the Senate, under a section of the bill entitled ''Agriculture Emergency Assistance Package,'' I will read the list that the managers recommend be considered now by the Senate:

Amendment No. 1, for Senator HARKIN, to provide additional funding for emergency watershed and flood prevention operations;

No. 2, an amendment for Senators LEVIN and COLLINS to provide emergency assistance to apple and potato producers;

No. 3, an amendment on behalf of Senators GRAHAM and MACK——

Mr. DOMENICI. Could the Senator state the dollar number when he reads it? You gave us a description. Can you tell us how much?

Mr. COCHRAN. I was going to give you a total dollar number.

Mr. DOMENICI. Do you know each amount? It is your bill.

Mr. GRAMM. We have one amendment before the Senate, the HARKIN amendment.

Mr. COCHRAN. The Harkin amendment is $70 million. The Levin-Collins amendment is $115 million; the Graham-Mack amendment to compensate for nursery stock losses does not score.

No. 4, an amendment on behalf of Senators LOTT, COCHRAN, and KOHL to extend the wetlands reserve program; it is estimated to cost $117 million;

No. 5, an amendment on behalf of Senators LEAHY and JEFFORDS, compensation for livestock losses, is estimated to cost $4 million;

No. 6, an amendment on behalf of Senators HARKIN and BOND, for green biotechnology evaluation, estimated to cost $600,000;

No. 7, an amendment on behalf of Senators ABRAHAM, SCHUMER, and LEVIN, for potatoes and apples quality losses, estimated to cost $45 million;

No. 8, on behalf of Senators GRAHAM and MACK on compensation for citrus canker losses, estimated to cost $40 million;

No. 9, on behalf of Senator COCHRAN, on emergency APHIS funding, estimated to cost $59.4 million;

An amendment on behalf of Senators THURMOND and HOLLINGS on grain indemnity assistance, estimated to cost $2.5 million;

An amendment on behalf of Senator COCHRAN on conservation assistance, no score on budget authority, $6 million in budget outlays;

No. 12, on behalf of Senator SESSIONS on livestock assistance, no score is available, and is estimated to have no cost;

No. 13, on behalf of Senator EDWARDS on community facilities, estimated to cost $50 million;

No. 14, on behalf of Senator DORGAN, natural disaster assistance, the amendment described, $450 million;

No. 15, Senators INOUYE and AKAKA, an amendment on commodity transportation assistance, estimated to cost $7.2 million.

That is the entire list, for the information of Senators. It has been reviewed by the managers and recommended to the Senate by the offering of the amendment as eligible for agriculture emergency assistance in the amounts identified as stated.

Mr. DOMENICI. What was the total?

Mr. COCHRAN. The total amount of all of these amendments amounts to about $900 million. The bill contained $1.116 billion in emergency-designated programs and activities as reported by the committee. So the total emergency designated items and programs included in the bill, if this package is agreed to, would amount to $2.1 billion based on preliminary scoring made available to the committee by the Congressional Budget Office.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, might I first clarify that the $450 million that the Senator from Mississippi referenced is not for North Dakota. It is a national program to deal with disasters that have occurred in this most recent period of time. Some States have been hit by drought. Some States have been hit by flooding.

In reference to the question of the Senator from New Mexico, whether these are emergencies that could not have been dealt with in the normal process of the committee's work, the answer is affirmatively yes, they could not have been dealt with in the normal work of the committee. They could not have been dealt with in the previous supplemental because the disaster had not yet occurred—at least with respect to North Dakota.

Senator DORGAN indicated we had the most remarkable weather event since we saw the 500-year flood in 1997. In mid-June, our State got 20 inches of rain in 36 hours. This is the headline from the biggest paper in the State: ''Swamped.'' This was a week after the rain that I just referenced.

The rain that I just referenced occurred a week before this one. We have been hit by the most remarkable series of floods since the 1997 flood, which was a 500-year event.

On June 12, in North Dakota, we had rains that were up to 20 inches in a wide band in northeastern North Dakota. Seven days later we got hit with this rainstorm—8 inches in 6 hours. The devastation is stunning.

On the State university, this is the reference, NDSU, $50 million at the State university.

At the dome that is the large center, the activity center for the city: $10 million of damage. In surrounding farm areas as a result of these two floods: 1.7 million acres devastated.

The catastrophe in our State cannot be overstated: 1.7 million acres of land devastated, hundreds of millions of dollars of damage in the largest city in our State. This is an emergency by any definition. Unfortunately, it had not occurred when we dealt with the supplementals. It had not occurred when the committee did its work. It is only now that we know the full extent of the damage. That is why we are here asking our colleagues not for a new program but to reinstate the program we had last year to deal with crop loss disasters.

Last year, we put in place a program that cost about $2 billion to deal with natural disasters. This year we are asking for $900 million not just for North Dakota but for the other States that have been hit as well. We know the devastation in North Dakota is stunning, but we are not alone. In other areas of the country disasters have ruined crops as well: 216 counties in Georgia, South Carolina, and Florida were declared disaster areas on July 14.

I might say to my colleagues, I spoke on this matter last Friday with Senator Coverdell, Senator Coverdell who was tragically lost to us earlier this week. Senator Coverdell had indicated that he would join in an amendment because Georgia has been devastated. South Carolina and Florida were declared agricultural disaster areas as well on that same day, July 14.

USDA has also declared agricultural disasters in parts of Alabama, Nebraska, New Mexico, Arizona, Mississippi, New York, Texas, Washington, and perhaps other States. These are the States that I know of that have had disasters declared.

The hard reality is these things have happened. The earlier package we dealt with was designed for economic disasters. That has been passed. That has been signed into law. This is to give back the program that was available last year for areas hit by drought or severe flooding. We are asking for $900 million. I can tell you, it is desperately needed, desperately needed. It is without question an emergency.

This series of events, at least in our State, had not occurred at the time of the supplemental appropriations bills, nor had it occurred so the full extent of the damage was known for the committee deliberations. That is the reality.

This responds also to the needs of producers in the Northeastern United States who have been hit, and the needs of producers hit by disasters in the South.

I ask my colleagues to very carefully consider their response to this request. We have always tried to be a United States of America in response to disasters, listening to the needs of every State in every condition. I regret very much that I am here asking again. We have had nine Presidential disaster declarations in the last 8 years in my State. I never remember something like this in my life. There is some extraordinary weather pattern affecting my State.

As many of you know, we have a lake that has risen 25 vertical feet in the last 6 years, a lake that is the size of the District of Columbia, a lake that is devouring surrounding communities, roads, farms—that is another disaster. That lake missed having this extraordinary rainfall by 70 miles. If that lake would have been hit by this 20 inches of rain in 2 days, we would have been here dealing with a calamity of stunning proportion.

So I say to my colleagues, I know none of us like these surprise requests, but we could not have made the request until the disaster occurred. We could not have quantified the need, unfortunately, until FEMA and USDA had a chance to go in and do a review of the level of disaster. Again, the $450 million requested is not for North Dakota. It is a national response to all the States that have been affected to repeat the program we passed and put in place last year. I hope my colleagues' hearts will not turn cold simply because we have had to face disasters year after year. I can tell you, the people of my State need help. Mr. President, 1.7 million acres devastated, that is one-fifth, 20 percent of the crop base of my State, and the biggest city of my State, as the headline in the biggest newspaper in my State says: ''Swamped.''

This is from the Grand Forks Herald, one of the four largest cities in the State, 80 miles to the north of Fargo: ''Area Flooding Continues.'' Here are additional reports, ''Weather Service Official Says Storm Worst He's Ever Seen.''

It is hard to describe an event of this proportion—20 inches of rain in 36 hours. It is Biblical. I don't know any other way to say it to my colleagues.

This is from the Fargo Forum, again the biggest newspaper in our State, with officials there saying: ''It's the worst rain flood we've ever had''—in the history of our State.

Finally, this story kind of tells it all, again from the biggest newspaper in our State: ''Floods Finish Off Crops Hurt By Drought.''

I just conclude by saying to my colleagues: It is perverse but it has happened. Hundreds of millions of dollars of damage in my State alone, with other States similarly affected. We ought to put in place the program we had last year to help those who deserve assistance. That is my plea to my colleagues tonight.

The PRESIDING OFFICER. The Senator from Minnesota.

Several Senators addressed the Chair.

Mr. WELLSTONE. Mr. President, I think I have the floor.

The PRESIDING OFFICER. The Senator from Minnesota has been recognized.

Mr. WELLSTONE. Mr. President, I say to my colleague from Texas, I think I will take about 3 or 4 minutes; that's all. I want to associate myself with the remarks of my colleagues from North Dakota.

I simply want to put it in personal terms because I think that is the way most Senators understand things. About 2 weeks ago, I was visiting with friends. When I drove up, there were pickup trucks as far as you could see. The farmers were there because of flooding, again, for the seventh year in a row. In my State, 350,000 acres of farmland have been destroyed. You could just look at the faces of people and see the pain. This happened in June when we were dealing with the MILCON bill. We were not able to assess the damage yet.

Look, whatever the vehicle is and however we do this, I thank Senator COCHRAN for understanding what we are trying to do, and I hope—this amendment has been withdrawn, but I hope we do come together as Senators to support this. This is not just about North Dakota or Minnesota; it also is about a lot of States in the South. There, it is the opposite problem; it is drought.

I have only been here—I guess it is a long time—9 years. That is not as long as some of my colleagues. The way I feel about the Senate is we do become a community. Maybe we will do it a different way, but we are a community in the sense that it is, there but for the grace of God go I. Whenever Senators come to the floor and say: My God, it's been tornadoes, it's been hurricanes, its floods, its droughts and people are hurting and people need help, I do not hesitate to vote for other Senators and other people in other States. That is what this is about.

This amendment has been withdrawn, but the question before us will continue to be a question before us. I certainly hope that, working with Senators, Democrats and Republicans alike, we will be able to get the support.

I will finish this way: This is not like how do you come to the floor of the Senate and sneak something through or there is something that you are doing that is some flagrant special interest favor. The only special interests here are a whole bunch of good people, who are going through a living hell, who need some help. What we are trying to do is get that help for those people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, if we were beginning to write a farm budget this year, these arguments might resonate. The problem is we have already spent $9.6 billion that required budget waivers so far this year: Spending some of it in the year 2000, and spending some of it in the year 2001, but all of it where we made a commitment to spend this year.

What is really happening is we are in the process of simply throwing the budget out the window. We are in the process of letting this budget surplus literally burn a hole in our pockets. The level of scratching and clawing to get into the pockets of the Federal Government is at a level I have never experienced in the 22 years I have served in Congress.

It seems to me if this provision were meritorious in a bill that is providing $14.85 billion of discretionary assistance to farmers and ranchers, it would have found a place. In fact, this bill, in addition to the $1.4 billion of crop insurance, $1.6 billion in emergency assistance, the $5.5 billion of loss assistance, the $1.1 billion this bill has for emergencies—if we adopt this amendment, we are saying that a full $10.5 billion of emergency spending in agriculture will be expended this year when the entire nonemergency part of the bill is $14.85 billion. In other words, we have about a 66-percent increase in spending, all in the name of emergency.

I have to say I believe this has gone too far. We are all interested in helping farmers and ranchers. We all know there are problems, but every year the President proposes a level of assistance, Republicans raise it, Democrats raise it more, and then our Democrat colleagues raise it again. Is there no limit to the amount of money we are willing to spend because we have this surplus?

Obviously, I cannot address every issue raised by every Senator, but one has to ask the question: When 50 cents out of every dollar going to farmers in America is coming from the Government, what is going on in America today?

It is very interesting to me, and I just put these figures out here and pose a question: If we are having a complete agricultural disaster, if farmers are going broke left and right, if we should be spending almost 70 percent of our ag budget in emergency add-on spending, what would you expect to be happening to farm debt? Given that we have a 70-percent cost over-run to ''help the farmer,'' what would you think is happening to farm debt? What would you think is happening to the level of farm assets? What would you think is happening to the debt-to-asset ratio?—in other words, the amount of debt farmers have relative to their assets.

When we have allowed emergency spending to reach levels unprecedented in the history of this country, when we have made emergency appropriations in agriculture the norm, when we have had a bidding war to buy votes in rural America such as this country has never seen in its history because of all of these losses, what would you think is happening to farm debt?

Let me just give you the figures: Farm debt in 1998 was $172.9 billion. In 1999, it was $172.8 billion. This year, it is projected to be $172.5 billion.

With all of this economic disaster, with this destruction such as we have not seen since Steinbeck novels, somehow, remarkably, farm debt is going down and not up. Yet we cannot spend money fast enough. There is just not enough money in the world to meet the demand we have for it.

What would you think is happening to farm assets? Farmers going broke left and right, leaving the farm, disaster, the trails, the trucks going to California, the desertion, the disaster in rural America—what do you think is happening to farm assets? They must be plummeting. They must be in a complete free-fall. Oddly enough, not only are they not plummeting, they are going up. They were $1.0643 trillion in 1998, $1.0672 trillion in 1999, and they are projected to be $1.0728 trillion this year.

If there is such absolute calamity in agriculture in America today, why are assets going up, and not down?

Finally, with all of this burgeoning debt—farmers drowning in debt; the mortgage collector at the door; the mean, cold-hearted banker beating on the farm door, foreclosing mortgages; widows being put out on the lawn on our farms—what do you think has happened to the debt-to-asset ratio in agriculture? It was $16.2 billion in 1998, $16.2 billion in 1999, and $16.1 billion today.

What is wrong with this picture? We are saying that the world is collapsing in rural America, and we are spending at rates unprecedented in the history of this country to deal with a calamity; and yet farm debt is going down, farm assets are going up, and the debt-to-asset ratio in agricultural America is actually going down.

Now look, something is wrong here.

What is wrong with this picture? I will tell you what is wrong with this picture. The obscene actions that have been taken in this Congress. There seems to be no limit to what we are willing to spend in the name of agriculture. I think it has to stop. I can't judge the merits of this case, this $70 million, that $115 million, the next $117 million, $4 million, $600,000——

The PRESIDING OFFICER. Will the Senator suspend.

The Senate will be in order.

Mr. GRAMM. The $45 million, $40 million, $59.4 million, $2.5 million, $6 million, $50 million, $450 million, $7.2 million—these are all emergencies

that, when we funded the three previous emergencies, did not make it into the stack. When this bill was written, in a committee that is not known for turning a cold, dead eye to suffering farmers and ranchers, this $900 million never made it into the stack.

But here we are, on a Thursday afternoon, at 7:20 p.m., and we are talking about $900 million—$900 million of spending that was not in the budget, that was not in the appropriations bill, that requires a waiver of the Budget Act, and that requires the designation of an emergency.

I am saying, in $10 billion of emergency spending and $14.85 billion of ordinary spending—out of $25 billion that we are spending—how come there was not room for this $900 million? How come we are suddenly dealing with it at 7:25 p.m. tonight?

I think the answer is as clear as the answer can be. The answer is, we are determined we are going to spend every penny we can spend. We are turning our budget process into an absolute laughing stock. We are proving that all somebody has to do is walk down to the floor on Thursday evening and offer an amendment, spending millions of dollars, and it is great.

We are asked: Have you lost compassion? Look, I have plenty of compassion. But how much compassion is enough? How much do we have to spend on these programs? This year, we have already spent almost $10 billion in agricultural programs that required a budget waiver. We are already to the point where half of all net farm income is coming from a check from Washington, DC. Where does it end?

Final point—I have talked too long—but today, when we had Alan Greenspan before the Banking Committee, he was asked whether or not he was concerned about the fact that if you take the appropriation growth we had this year and project it for 10 years, it is over $1 trillion in new spending. We are realistically debating a new entitlement that, when fully implemented for 10 years, would cost about $750 billion. He said he was very concerned about it, that he thought it represented a potential threat to the economy.

So I am not saying that all of these things are without merit. I am just saying: When does it end? When does it stop? How much is enough? Is $10 billion of emergency spending—almost 70 percent above the normal level of spending—is that not enough?

I think these are real questions that need to be answered. I think it is important that we stop these amendments. And they may be adopted. Look, I understand the votes may be here to adopt them. But they are going to be adopted individually. And they are going to be subject to a point of order. We are going to begin to resist. This has to end somewhere. It seems to me that this is the place where we need to begin to talk about it ending.

I, quite frankly, was willing to accept all of these so-called emergencies already in the bill, but this just goes beyond the limits of endurance, in my opinion.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I will be brief.

I am very pleased that the distinguished chairman of the Budget Committee is going to raise a point of order, very shortly, on the first amendment, the Harkin amendment. I do not pretend to have the budget knowledge and expertise of the distinguished chairman of the Budget Committee, but I do know that when he becomes exercised about what is taking place, at an ever-increasing crescendo of additional spending, about which Members really have no information or knowledge, we have to bring this to a halt at some point.

I say to my colleagues now, I will make every effort to prevent us from going out of session without the appropriations process being resolved. No more should we all go home while four or five Members of Congress decide on omnibus appropriations bills and then we are called back to vote ''yea'' or ''nay'' on a bill that none of us has had a chance to know or read.

Every year, for the last 3 years, we have been assured that this will not happen again. Well, my friends, I will do everything in my power not to have it happen again.

But let me point out, the Harkin amendment, which we just saw—this amendment which was about to be adopted by voice vote in the package of amendments totaling $960 million, which none of us had seen—let me just describe it to you.

It says:

> For an additional amount for ''Watershed and Flood Prevention Operations,'' to repair damages to the waterways and watersheds, including the purchase of floodplain easements, resulting from natural disasters, $70,000,000, to remain available until expended: Provided, That funds shall be used for activities identified by July 18, 2000 . . . .

Let me repeat that:

> . . . That funds shall be used for activities identified by July 18, 2000. . . .

That was 2 days ago. What activities? Identified by whom? The Department of Reclamation? The Department of Agriculture? Senator GRAMM? Senator HARKIN? What activities that were identified by July 18? And where is the record of July 18 of these activities that were identified to spend $70 million on?

What is going on? We are going to spend $70 million for ''Watershed and Flood Prevention Operations,'' for ''activities identified by July 18, 2000''? Is there any Member of this body, including the sponsor of the bill, who knows what activities have been identified?

Mr. COCHRAN. If the Senator will yield, I will be happy to give him the answer.

Mr. McCAIN. I will be happy to hear the answer.

Mr. COCHRAN. The date of July 18 was chosen because it was on that date that the National Resources Conservation Service provided a list to the committee, at our request, of unfunded needs that were considered emergency watershed projects throughout the United States.

It was this list from which we chose to estimate the funding needs that ought to be included in this bill as true emergencies. The total amount of the unfunded projected needs is $157,111,000. We have suggested the $70 million figure for emergencies. Of those projected needs, spring floods accounted for $30 million, hurricanes and tornadoes for $50 million, and fires for $10 million. These are either erosions or destruction of watershed protection facilities or the requirement for obtaining floodplain easements in those areas. That is generally across the United States. It is not State specific.

Then there are 23 States where the amounts are specifically identified as totaling $67,111,000. These are the States: Alaska, Arizona, Arkansas, California, Colorado, Georgia, Indiana, Illinois, Iowa, Louisiana, Minnesota, Missouri, Mississippi, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Utah, and Wisconsin. They vary in each State from, for example, Alaska, which is a small number, $237,000, to a large number, California, $12 million; another large number, Illinois, $7.5 million; and Iowa, which was the subject of Senator HARKIN's request, $7.5 million, to which the managers added all the other States so it wouldn't be just relief for one State but all States that were similarly situated would be included in this amendment because they all had similar needs.

Mr. McCAIN. I thank the Senator from Mississippi. That is very illuminating. I guess my next question to the distinguished manager is, we already have $1.1 billion worth of spending designated ''emergency'' in the bill. What occurred in the intervening time that necessitated an additional nearly billion dollars and next week will there be another billion dollars? I believe only a week has elapsed since the bill was brought to the floor.

Mr. COCHRAN. Mr. President, if the Senator will yield, these are figures that were provided to the committee by the Natural Resources Conservation Service. That service administers the Emergency Watershed Protection Program. These are the projected needs through fiscal year 2000. They were provided to the committee on July 18 at our request.

This program was out of money as of sometime last fall because of the cutbacks in funding that we have been seeing in this bill, along with others as well. To try to achieve consistency with the budget resolution targets and our allocation under section 302(b), we were not able to fund programs to the full amount of the request from the administration for projected needs.

These are given to us as certified emergency needs from this agency that has the responsibility of administering the program.

Mr. MCCAIN. Mr. President, I thank the Senator for that information.

The Senator from Mississippi has added a great deal to the store of knowledge of this body. I think it is very helpful. I still don't quite understand why at the end of an appropriations bill there should be, en bloc, 15 or whatever it is amendments worth over $900 million, which we didn't even get a copy of until we demanded it at the time, after the amendments were proposed. I don't think that is the way we should do business around here, particularly when we are talking about hundreds and millions and billions of dollars. I think it would have been appropriate—although I won't continue with the floor—as to what happened to the $8 billion or so that we already spent. What about those emergencies and what happened to that money?

I thank the Senator from Mississippi for his information and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will try to be very brief.

I want to make an observation. I honestly believe that we would be better off if instead of continually adding emergencies for agriculture or anything else, if we were to add more money straight up to the appropriations process. I believe we ought to just ask the chairman and ranking member at the end of this year to add more money. But we ought not to, by the week, add emergencies.

I know there are a number of bills—who knows where we will come out on them—that are taking care of problems by adding emergency provisions. I believe the chairman understands, the chairman of the Appropriations Committee understands our problem. I believe Senator BYRD understands our problem. The solution is not to add an emergency by the week, have a bill and then everybody comes running and we say: There is no room for it. Well, call it an emergency and then there will be room because it doesn't count against anything.

I want to make another observation about the agricultural community. I probably have the best support or at least as good support as any Senator here from the agricultural community of my State. But I am not impressed with the year-in-year-out emergency requests of the agricultural community of this country. It is approaching the ridiculous. They ask the Budget Committee, put more money in for agriculture.

We were pretty skimpy on other things, but we were not very skimpy on agriculture. We provided, and the committee held on to this in the appropriations, a $5.5 billion reserve fund for market losses. As soon as they funded it, the reserve fund was released, and they had $5.5 billion. Market losses are emergencies in the broad sense for agriculture, I guess. I understand that to be the case. People are getting checks because the market didn't work. They didn't get money.

We put in a new crop insurance allowance for which everybody thanked us. It was passed, but it was passed even bigger than we thought. And that was all right. That amounted to $3 billion. It is heralded as a fantastic success by people such as Senator PAT ROBERTS of Kansas. We finally did it. Now crop insurance is emergency money. It is a rational way to take care of annual losses by crop insurance, a sharing of the burden by a lot of people. When a crop fails, you have something to help them with.

Well, that wasn't quite enough and we knew it. And we heard: Don't hold your breath; there will be more agricultural emergencies.

I hope and pray the bill finishes tonight. I wish it would have finished a week ago. Sooner or later, we have to stop adding emergencies to a bill in the agricultural area. I am not sure that every one of these are agricultural subsidy enhancers. The bill has a lot of jurisdiction. It could be other things. The distinguished senior Senator from Mississippi manages the bill beautifully. He knows what he is doing.

I noted also, when he sent these amendments to the desk, he said: I send them on behalf of the Senators that have asked for them. He did not say the chairman of the Agriculture Committee submits these and asks for all of them. I believe he really thought somebody would challenge some of them but he would offer them because he had worked on them to narrow down a request that was even bigger than this.

I suggest that we try this on tonight, that we decide that if we need more money and we are going to put it in bills, that we ask the chairman to spend more money. I will not agree with my friend from Texas. It is not the appropriations bills that are going to break this budget. It is not the appropriations bills that are going to cause us to run out of the surplus that is being generated. You can count on that. The increases in appropriations will be wiped out by one entitlement bill. Whatever you expect to be added to appropriations the next decade will be wiped out by the first major entitlement bill that comes along. It will take from the same pot of surplus as appropriations. It is not appropriations that is breaking the bank.

I compliment Senator GRAMM for trying to keep us from going wild, but the truth is, it is not appropriations. We don't have any control over it, if in fact instead of asking for the money to be added to the budget and vote on that as grown-up Senators, we added money, and do you want it or not. You will have a shot at that when we add it because we are going to add money. The chairman is going to have to ask us for more money to get the appropriations bill, substantially more. But it will be a heads up add-on. It won't be coming along the way we are here. So when it is appropriate, after asking a parliamentary inquiry, I will make a point of order. What is pending before the Senate right now?

The PRESIDING OFFICER. The pending question is the amendment No. 3964 offered by Senator COCHRAN for Senator HARKIN.

Mr. DOMENICI. Is it appropriate to make a point of order under the Budget Act regarding the emergency quality of that?

The PRESIDING OFFICER. That would be appropriate.

Mr. DOMENICI. Mr. President, I make a point of order that the amendment contains an emergency designation in violation of section 205 of H. Con. Res 290, and the fiscal year 2001 budget resolution.

Mr. COCHRAN. Mr. President, I move to waive the point of order pursuant to section 205(c) of H. Con. Res 290 with respect to all emergency designations in this bill and to all the amendments to this bill filed at this time, and I ask for the yeas and nays.

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

The PRESIDING OFFICER. The first issue is to determine if there is a sufficient second. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3977—MOTION TO WAIVE

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 3977:

Strike all after the first word, and insert the following:

''I move to waive section 205 of the budget resolution for consideration of the Harkin amendment.''

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3978 TO AMENDMENT NO. 3977

Mr. COCHRAN. Mr. President, I move to strike the word ''waive'' in the pending amendment and insert the following: ''Section 205(c) of H. Con. Res. 290 with respect to all emergency designations in this bill and all amendments filed at the desk at this time to this bill other than amendment No. 3918.''

I send the motion to the desk. I ask it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 3978 to amendment No. 3977.

Mr. GRAMM. Parliamentary inquiry. Is this a strike-and-insert amendment?

The PRESIDING OFFICER. The regular order is for the clerk to finish reporting the amendment.

For the information of the Senator, the amendment does strike a word and add other language.

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

The PRESIDING OFFICER. The clerk will call the roll.

Under the regular order, the amendment should be read or its reading terminated by regular order.

Without objection, it is so ordered.

The amendment is as follows:

Strike the word waive in the pending amendment and insert the following:

''Section 205(c) of H. Con. Res. 290 with respect to all emergency designations in this bill and all amendments filed at the desk at this time to this bill other than amendment No. 3918.''

Mr. COCHRAN. I ask for the yeas and nays on the motion.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3978 TO AMENDMENT NO. 3977, WITHDRAWN

Mr. COCHRAN. Mr. President, on behalf of the leader and at his request, I ask consent that the pending motion to waive and any amendments thereto be withdrawn, and that the point of order be withdrawn.

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

AMENDMENTS NOS. 3457, 3933 TO 3457, 3965, 3966, 3967, 3968, 3969, 3970, 3971, 3972, 3973, 3974, 3975, AND 3976, EN BLOC

Mr. COCHRAN. I further ask consent that the Harkin amendment No. 3964 and the other emergency designation amendments now pending at the desk be considered en bloc and agreed to en bloc and the motion to reconsider be laid upon the table.

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

The amendment (No. 3964) was agreed to.

The amendments, en bloc, were agreed to as follows:

AMENDMENT NO. 3457

(Purpose: To provide market and quality loss assistance for certain commodities)

On page 75, between lines 16 and 17, insert the following:

SEC. 7___. APPLE MARKET LOSS ASSISTANCE AND QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—(a) APPLE MARKET LOSS ASSISTANCE.—

(1) IN GENERAL.—In order to provide relief for loss of markets for apples, the Secretary of Agriculture shall use $100,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers.

(2) PAYMENT QUANTITY.—

(A) IN GENERAL.—Subject to subparagraph (B), the payment quantity of apples for which the producers on a farm are eligible for payments under this subsection shall be equal to the average quantity of the 1994 through 1999 crops of apples produced by the producers on the farm.

(B) MAXIMUM QUANTITY.—The payment quantity of apples for which the producers on a farm are eligible for payments under this subsection shall not exceed 1,600,000 pounds of apples produced on the farm.

(b) QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—In addition to the assistance provided under subsection (a), the Secretary shall use $15,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers, and potato producers, that suffered quality losses to the 1999 crop of potatoes and apples, respectively, due to, or related to, a 1999 hurricane or other weather-related disaster.

(c) NONDUPLICATION OF PAYMENTS.—A producer shall be ineligible for payments under this section with respect to a market or quality loss for apples or potatoes to the extent that the producer is eligible for compensation or assistance for the loss under any other Federal program, other than the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(d) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

Mr. LEVIN. Mr. President, I have an amendment which would assist apple growers who suffered losses from fire blight and other weather related and economic damage. The amendment is cosponsored by Senators COLLINS, SCHUMER, GORTON, MURRAY, SNOWE, LEAHY, JEFFORDS, MOYNIHAN, DURBIN, ROCKEFELLER, ROBB, ABRAHAM, and LIEBERMAN. This spring, apple growers in Michigan suffered huge crop losses and damage due to several hail storms which caused thousands of acres of apple trees to be infected with fire blight. Fire blight is a bacterium that has destroyed thousands of acres of fruit trees in Michigan. Experts at Michigan State University anticipate that ¼ of all MI apple farmers have trees that are afflicted by fire blight. As a result of this weather related disaster, many of Michigan's best apple producers face diminished production this fall, and decreased revenues for many years to come. My amendment provides essential assistance for apple and potato producers that have suffered quantity losses due to fire blight or other weather related disasters. These hardships could not come at a worse time for our nation's apple farmers who, according to USDA, have lost nearly $1 billion over the past three years due to a variety of factors including diseases, such as fire blight. This legislation also includes assistance for apple and potato farmers who have incurred quality losses due to weather-related disasters.

The Agricultural Risk Protection Act, which President Clinton signed into law, included some emergency assistance for our nation's farmers. However, much remains to be done to address the myriad of problems facing out nation's apple farmers. That is why with 13 cosponsors I have introduced amendment No. 3457 that would provide $100 million in assistance this year for quantitative losses of our nation's apple farmers. A second degree amendment that would provide $60 million for qualitative losses, suffered by apple and potato farmers, was attached to my amendment by Senators ABRAHAM and SCHUMER. Articles from a number of Michigan papers show the plight of apple farmers, and mentions the need for direct assistance, in the form of this amendment, to our apple farmers. I ask unanimous consent that these articles be printed in the RECORD.

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

[From the Herald-Palladium, June 22, 2000]

BAD APPLES: FIRE BLIGHT IS TAKING BITE OUT OF AREA CROPS

FARMERS SEEK FEDERAL FINANCIAL ASSISTANCE FOR ACRES OF DYING TREES

(By Michael Eliasohn)

WATERVLIET—The name of Rodney Winkel's farm is Grandview Orchards, but the view these days is far from grand.

A building on Winkel's Bainbridge Township farm Wednesday morning was the location for a meeting of about 80 Southwest Michigan farmers who have the same view—brown dead leaves on dying apple trees.

The cause is fire blight, a bacterial infection that shrivels the apples and can kill the trees. Alan Jones, Michigan State University's fire blight expert, said it's the worst outbreak ever in Michigan.

John Sarno, U.S. Farm Service Agency Southwest Michigan regional director, said his office has received preliminary reports of fire blight damage in Berrien, Van Buren, Cass and Kalamazoo counties. He expects to receive a similar report soon from Allegan County and believes there may be damage in Ottawa and Kent counties.

Prior to the meeting, Michigan Farm Bureau (MFB) conducted a tour of four fire blighted orchards in Van Buren County for aides to several Michigan members of Congress, plus staff from the MSU College of Agriculture, the Farm Service Agency, Michigan Department of Agriculture and others.

Winkel described the problem facing the farmers. He and his son-in-law Mark Epple grow about 300 acres of apples. ''I conservatively estimate we'll take out 60 to 70 acres of trees,'' he said. ''These are huge dollars we're talking about and the cookie jar is dry.''

''A number of years ago, agriculture could handle a disaster like this,'' but not any more, said MFB President Jack Laurie, who chaired the meeting. ''The (profit) margin has been reduced, so farmers can't stand a big loss.''

Unlike a spring freeze that wipes out that year's crop, the fire blight damage goes far beyond one year.

Coloma area grower Jerry Jollay said during the meeting he and his son, Jay, expect to lose about half of their 55 acres of apple trees.

He later told The Herald-Palladium if trees are removed and new trees planted, it takes 5–6 years until they start producing a good crop and it isn't until the eighth year they get a full crop.

He estimated it costs from $4,000 to $10,000 per acre to replant trees and to maintain them until they start producing, depending on the number planted per acre. The figure does not include the value of lost production.

Growers may be able to remove diseased limbs and save some trees, according to Jones of MSU, but that could mean 2–3 years of reduced crops until it gets back to full production.

''But if you don't get it all,'' said Mike Hildebrand, ''it will flare up next year or the year after.'' Hildebrand and his father, Ernie, grow about 70 acres of apples near Berrien Springs.

Jones said if an infected limb is missed, the fire blight will spread to the roots and kill the tree.

And if one tree is infected, the fire blight can spread to the rest of the trees in the orchard.

Sarno told the growers there is no existing program to compensate them for fire blight damages, that Congress has to approve one and the funds for it. ''We have to start over,'' he said. ''We have to look at what we have today (in damage) and that's what we're doing today.''

Sarno later told The Herald-Palladium there are three potential programs Congress could approve, one involving low-interest loans to partially compensate them for their production losses and tree losses.

The other two programs would give them grants, either to help cover production losses or pay for removing diseased trees and planting new ones.

Farmers with crop insurance may be covered for lost crops this year.

Sarno said county agricultural emergency boards must first compile loss data, which they forward to the state emergency board.

If the state board decided the loss is significant enough, it asks Gov. John Engler to ask U.S. Secretary of Agriculture Dan Glickman to declare the affected counties agricultural disaster areas, thus qualifying growers for aid, if Congress OKs it.

Sarno said the last time there was such an emergency, in Kent County in 1998 when winds blew down trees and spread fire blight, ti took about a year before growers received their government checks. ''We hope to expedite this (for fire blight damage),'' he said.

Winkel said he could lose 30,000–35,000 bushels of apples this year, and for the next several years, until replacement trees start producing apples, his loss could be 50,000 bushels a year.

The value of apples varies widely, depending on the variety, when they are sold and their use, but at $6 per bushel—the 1999 average from two area packing houses for Jonathans—Winkel's annual loss would be $300,000 a year.

He said Idared, Jonathon, Rome, Gala, Paulared and Golden Delicious are the varieties being affected most by fire flight.

For some growers, fire blight isn't their only problem. Jollay said spring frosts and freezes reduced his tart cherry crop by probably half, apples by 20 percent and peaches by 50 percent.

Then hail on May 18 caused more damage, followed by the fire blight. He guessed he will have only about a fourth of his normal crop of apples.

In his 35 years in agriculture, Jollay said, he has suffered losses from freezes, hail and fire blight, but not all in one year. ''This is absolutely the worst I've ever seen.'' He said he and his son hope to get through this year with income from pumpkins, their other significant crop, and their pick-your-own ''family fun'' operations in the fall.

As for possible federal aid, he said: ''Hopefully this will help alleviate part of the problem.''

Coloma area grower Paul Friday, whose 140 acres of peaches suffered major hail damage on May 18, asked that hail-caused damage to fruit and young trees not yet bearing fruit be included in any assistance program.

[From the Kalamazoo Gazette, June 22, 2000]

APPLE GROWERS GETTING BURNED—EPIDEMIC OF FIRE BLIGHT DEVASTATES LOCAL CROP

(By Ed Finnerty)

HARTFORD—The Golden Delicious apple trees on Kevin Winkel's family farm are anything but golden or delicious.

Their leaves are more brown than green. Their fruit resembles rotting grapes more than edible apples.

To Winkel and scores of besieged farmers in the apple country of Van Buren and Berrien counties, a killer epidemic of fire blight that has overtaken their orchards and threatens their livelihoods is a disaster by any reasonable standard.

''It got my entire crop,'' lamented Winkel, a second-generation grower working the land he took over from his father 16 years ago.

''There will be zero income from this year's crop and at least half of the expenses are already in it,'' said Winkel, a married father of two who isn't sure the business will survive the loss.

Apple farmers in Van Buren and Berrien counties in southwestern Michigan are hoping to persuade the Federal Government to declare their farms disaster areas, entitling them to aid farm officials say may be a last lifeline for some growers.

''The problem here is devastating,'' said Al Almy, Michigan Farm Bureau's director of public policy and commodities. ''It could put some of the very best growers right out of business.''

Fire blight is a bacterial disease affecting primarily apple and pear trees that is spread by insects and often enters blooms or leaves damaged by wind or hail. It destroys tissue it infects, killing blossoms and shoots, sometimes progressing into the tree and its roots. Badly infected trees look like they have been burned.

Strains of fire blight that have become resistant to antibiotic sprays have slowly spread in area orchards, but a May 18 storm that produced hail and high winds is blamed with sparking the huge outbreak.

Mark Longstroth, district horticulture and marketing agent with the MSU Extension, estimates some 300 to 400 growers and 27,000 acres of apples will be affected by the blight. The major damage is in Van Buren and Berrien counties, but fire blight has appeared in Allegan, Cass and Kalamazoo counties too, officials say.

Officials are still evaluating losses but say they may reach about $10 million in the two counties. This year's losses will be multiplied in future years with the loss of production from trees that are killed.

''This is one of the worst epidemics we have ever seen,'' said Alan Jones, a professor of plant pathology at Michigan State University. Jones, a fire blight expert with MSU for 30 years, said this outbreak dwarfs the worst epidemic he had seen previously, in 1991.

The Michigan Farm Bureau on Wednesday invited media and representatives from the area's congressional delegation to tour orchards from Lawrence in Van Buren County to Watervliet in Berrien County. The caravan stopped at some orchards to inspect the damages, but in most cases a drive by acre after acre of brown orchards was all that was needed to see the devastation.

At an orchard near Watervliet, dozens of apple growers waited to meet with representatives from the Farm Bureau, USDA, Michigan Department of Agriculture, MSU Extension and other agencies. It was partly a show for the invited media, including crews from several newspapers and television stations, and a show of force to representatives of the Congressional delegations.

Staffers for U.S. Sen. Carl Levin and Reps. Fred Upton, Nick Smith, Vernon Ehlers, and Peter Hoekstra were on hand Wednesday, and Michigan Farm Bureau President Jack Laurie urged growers to push them for disaster assistance.

''Levin's office is the one we've got to lean on, this guy here,'' one grower said to others, as they waited for another farmer to finish bending the ear of Levin's staffer.

If a disaster is declared, farmers will be eligible for low-interest loans to cover losses and replace trees. Federal assistance to replace weather-damaged trees doesn't cover

fire blight, but officials from the Farm Bureau and other assembled agencies said political pressure should be applied to get that coverage.

A state emergency board will be convened to evaluate losses in the affected counties, then ask Gov. John Engler to request federal disaster relief from the U.S. Department of Agriculture.

''I think we have seen enough to know this is very widespread, this is very dramatic,'' said John Sarno, district director for USDA Farm Services Agency, who took his camera along on Wednesday's tour. ''There are going to be great losses.''

Any help would be welcomed by Winkel, who says he may have to find a second job and whose wife may have to go from working as a part-time nurse to working full time. His 100 acres of trees, which last year produced about 73,000 bushels of apples and $300,000 in revenue, will yield nothing this year.

''The whole future of the southwest Michigan fruit industry is at stake here,'' said Tom Butler, head of the Michigan Processing Apple Growers. ''A lot of growers are not going to be able to stay in business until some serious help comes along.''

The fire blight will have no discernible impact on consumers because of a strong supply of apples nationwide, Butler said

Mr. LEVIN. I am particularly grateful to Senator SUSAN COLLINS whose support has been essential. I am also pleased with the many bipartisan cosponsors who have supported this legislation.

This amendment is similar to legislation which recently passed the other body as part of the FY2001 Agriculture Appropriations bill.

Ms. COLLINS. Mr. President, I rise today to join my good friend Senator LEVIN in offering an amendment to provide much needed relief for apple and potato producers across America. Senator LEVIN and I share a deep concern for these farmers, who have endured such unexpected hardship over the past year. I am grateful for having the opportunity to work with my friend from Michigan on this critical matter.

Over the past three years, America's apple growers have lost more than $760 million according to U.S. Department of Agriculture statistics. Market conditions, beyond the control of our farmers, and unfair trade practices have contributed significantly to these loses. There has been a reduction in demand for U.S. apples in much of the world because of poor economic conditions in foreign markets. The domestic demand for apples has been affected by conditions abroad as well. With dimished demand oversees, we have seen an increase in the foreign supply of apples in our domestic markets. The U.S. Department of Commerce and the International Trade Commission recently found that our producers have been victimized by unfairly priced imports of Chinese apple juice concentrate.

Unusual weather also has hurt our potato and apple producers. The Maine Pomological Society, a group that primarily represents apple producers in my State, reports that a summer-long drought, coupled with the heavy winds and rains of Hurricane Floyd in the fall, had a disastrous impact on the quality of apples produced in Maine last year. On average, only 49% of Maine's 1999 apple crop could be sold at the ''fancy grade'' quality. To provide my colleagues with a sense of what this means, I would note that in 1998, 78% of the apples produced in Maine were labeled as fancy grade.

Maine potato farmers also found themselves victims of weather-related disasters in 1999. In Maine, some potato farmers found their fields covered in as much as 15 inches of water following the drenching that accompanied Hurricane Floyd last fall. Because many of Maine's farmers leave their crop in storage over the winter, we did not realize the full extent of the damage caused by Floyd's rains until this spring. Mr. President, potato farmers pour their hearts and souls into their fields. It is profoundly disheartening to hear from a farmer who has lost an entire crop that took many months of hard work to cultivate.

The amendment Senator LEVIN and I offer today provides much-needed assistance to both potato and apple producers. Under our proposal, the Secretary of Agriculture would allocate $100 million in market loss assistance payments to our nation's apple producers. The market loss payments authorized by our amendment will help thousands of apple growers from Washington State to Michigan to Maine survive the losses they have endured due to conditions beyond their control. This amendment directs a modest amount of funds to producers who have received very little of the nearly $15 billion in emergency agriculture spending that we have passed this fiscal year.

Our amendment also directs the Secretary of Agriculture to provide $15 million in quality loss payments to apple and potato producers who suffered losses as a result of a hurricane or other weather-related disaster. This assistance will be important to those farmers who were unable to produce their finest product because of adverse weather conditions.

Mr. President, the provisions of our amendment are similar to language in the House-passed version of the FY 2001 Agriculture Appropriations bill. The provisions recognize that potato and apple producers, like other farmers across the country, are subject to the vagaries of international markets and the weather. I ask my colleagues to join us in providing assistance to our apple and potato producers in their time of need.

If anyone questions the emergency nature of this request, I would refer them to a news story that ran on the evening news in Maine this past Tuesday. The segment focused on a longtime apple grower from Alfred, Maine. The grower, with much regret, has come to the conclusion that after thirty-five years this will have to be his family's last crop. The dwindling profits are not enough incentive for the next generation of the family to contend with the government regulations and uncertainty that comes with running an apple orchard. I encourage my colleagues who missed this broadcast from Maine to read the story in Tuesday's New York Times about the hardships being endured by apple growers in New York who watched hail storms this spring wipe out much of their crops. This amendment and the aid it represents is certainly an emergency to these producers.

Mr. President, the federal government must be a partner in our farmer's efforts to feed America and much of the world. The Levin-Collins amendment ensures that our apple and potato producers get the help they need to overcome the difficulties of the past year and continue to produce a quality product. I urge my colleagues to support our amendment, and I yield the floor.

AMENDMENT NO. 3933

(Purpose: To provide relief for apple growers whose crops have suffered extensive crop damage as a result of fireblight)

On page 2, lines 16 through 23, strike all after ''(b)'' and insert,

''QUALITY LOSS PAYMENTS FOR APPLES AND POTATOES.—In addition to the assistance provided under subsection (a), the Secretary shall use $60,000,000 of funds of the Commodity Credit Corporation to make payments to apple producers, and potato producers, that suffered quality losses to the 1999 and 2000 crop of potatoes and apples, respectively, due to, or related to, a 1999 or 2000 hurricane, fireblight or other weather related disaster.

AMENDMENT NO. 3965

(Purpose: To ensure that nursery stock producers receive emergency financial assistance for nursery stock losses caused by Hurricane Irene)

At the apropriate place, insert the following:

SEC. ____.—In using amounts made available under section 801(a) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 1421 note; Public Law 106–78), or under the matter under the heading ''CROP LOSS ASSISTANCE'' under the heading ''COMMODITY CREDIT CORPORATION FUND'' of H.R. 3425 of the 106th Congress, as enacted by section 1001(a)(5) of Public Law 106–113 (113 Stat. 1536, 1501A–289), to provide emergency financial assistance to producers on a farm that have incurred losses in a 1999 crop due to a disaster, the Secretary of Agriculture shall consider nursery stock losses caused by Hurricane Irene on October 16 and 17, 1999, to be losses to the 1999 crop of nursery stock: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of

the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress: *Provided further,* That the entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

Mr. GRAHAM. Mr. President, Senator MACK and I offer this amendment that will correct an injustice being done to nursery growers in south Florida impacted by Hurricane Irene in October of 1999.

On October 15, Florida was hit with Hurricane Irene.

Following closely on the heels of Hurricane Floyd, a storm that caused a disaster declaration in 13 states, Hurricane Irene dropped over nine inches of rainfall on average across Palm Beach, Broward, and Miami-Dade Counties.

Three-day rainfall totals at specific measuring sites throughout this area ranged between 10.88 and 17.47 inches.

Nineteen Florida counties received a major disaster declaration.

At the height of the storm, more than 1 million people lost power.

Agriculture losses from Hurricane Irene totaled over $438 million.

In total, seven deaths were attributed to Irene's visit to the Florida coastline.

Last year, Congress specifically provided $186 million in ''additional resources for damage caused by hurricanes and other natural disasters in Florida and other states'' under Title I—Emergency Supplemental Appropriations of the FY 2000 Omnibus Appropriations Act.

This crop loss assistance was provided in addition to the $1.2 billion previously allocated under the Crop Disaster Program to respond to farmers who suffered losses due to ''adverse weather and related conditions.''

In executing this program, the Farm Service Agency (FSA) has made the determination that nursery, unlike other Florida crops damaged by Hurricane Irene, will not be eligible for Crop Disaster Program assistance.

FSA indicates that nursery is ineligible because the program is limited to losses in the 1999 crop year, and the hurricane damage occurred after the FSA-set 2000 crop year had begun.

The hurricane damage occurred on October 16–17, 1999, and the 2000 nursery crop year, according to FSA, began on October 1, 1999.

By all accounts, the FSA's crop year determination was made on an arbitrary basis as nursery does not have a traditional crop year and crops are grown on a year-round basis.

By contrast, the Risk Management Agency had a similar problem and made a special dispensation for the nursery crop year to provide eligibility for hurricane losses under the federal crop insurance program.

The Florida delegation has made a concerted attempt to work closely with the Department since the hurricane damage occurred.

On December 9, 1999 FSA representatives briefed the Florida delegation on disaster assistance available to Florida farmers, and we were informed that Crop Disaster Program assistance would be available to respond to hurricane-related farm losses in Florida.

Today, it is still not available.

The amendment we offer today will ensure that nursery stock losses due to Hurricane Irene will be eligible for relief under the Crop Disaster Program.

Mr. President, the intent of Congress was clear—that losses in Florida due to natural disasters should be covered by the Crop Disaster Program.

I hope that my colleagues will support our amendment that will provide clear direction to the U.S. Department of Agriculture and ensure that its actions meet the intent of Congress.

I urge its adoption.

AMENDMENT NO. 3966

(Purpose: To permit the enrollment of an additional 100,000 acres in the wetlands reserve program)

On page 85, after line 8, of Division B, as modified, add the following:

SEC. . Notwithstanding section 1237(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3837(b)(1)), the Secretary of Agriculture may permit the enrollment of not to exceed 1,075,000 acres in the wetlands reserve program: *Provided,* That not withstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), such sums as may be necessary, to remain available until expended, shall provided through the Commodity Credit Corporation in fiscal year 2000 for technical assistance activities performed by any agency of the Department of Agriculture in carrying out this section. *Provided further,* That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 3967

On page 85, after line 8 of Division B, as modified, add:

SEC. . In addition to other compensation paid by the Secretary of Agriculture, the Secretary shall compensate or otherwise seek to make whole from funds of the Commodity Credit Corporation, not to exceed $4,000,000, the owners of all sheep destroyed from flocks under the Secretary's declarations of July 14, 2000 for lost income, or other business interruption losses, due to actions of the Secretary with respect to such sheep: *Provided,* That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 3968

(Purpose: To provide emergency funding for the Grain Inspection, Packers, and Stockyards Administration for completion of a biotechnology reference facility)

On page 76, after lines 18, of Division B, as modified, insert the following:

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

For an additional amount for the Grain Inspection, Packers and Stockyards Administration, $600,000 for completion of a biotechnology reference facility: *Provided,* That the entire amount shall be available only to the extent an official budget request for $600,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further,* That the entire amount is designated by Congress as an emergency requirement in accordance with section 251(b)(2)(A) of that Act.

AMENDMENT NO. 3969

(Purpose: To ensure that growers who experienced crop losses due to citrus canker receive appropriate compensation)

On page 83, line 5, strike the following: ''; and (e) compensate commercial producers for losses due to citrus canker''.

On page 85, after line 8, insert the following:

SEC. . (a) Notwithstanding any other provision of law (including the Federal Grants and Cooperative Agreements Act) the Secretary of agriculture shall use not more than $40,000,000 of Commodity Credit Corporation funds for a cooperative program with the state of Florida to replace commercial trees removed to control citrus canker and to compensate for lost production: *Provided,* That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. et seq.), is transmitted by the President to Congress: *Provided further,* That the entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

Mr. GRAHAM. Mr. President, members of the Senate, I rise before you today with my colleague, Senator MACK, to offer an amendment to the Agriculture Appropriations bill on behalf of the Florida citrus industry.

Mr. President, if ever there was an industry in crisis, this is it.

Since last year, the Florida citrus industry has been besieged by the ravages of citrus canker.

Citrus canker is a disease that spreads rapidly through the air to infect grove after grove after grove.

There is no cure.

Once a tree becomes infected, it must be burned to the ground to prevent further spreading.

As part of an ongoing effort to eradicate citrus canker, the Animal Plant and Health Inspection Service (APHIS) issued a regulation requiring the destruction of all trees within a 1,900 foot radius of an infected tree.

The result is that hundreds of healthy trees are burned to the ground.

This government regulation is critical to eradication of citrus canker, but it increases the number of trees that are destroyed.

To date, over 1,500 acres of limes and oranges, have been burned.

In response, both the Governor and the Secretary of Agriculture declared a state of emergency in Florida due to the citrus canker outbreak.

Once destroyed, it takes between three and four years for a citrus tree to reach maturity and produce its maximum capacity of fruit.

The growers whose healthy trees are destroyed by the federal government are robbed of income today and income for the next three to four years.

I believe that the destruction of the healthy trees in accordance with federal regulation is in effect, a ''federal taking'' of private property for which Florida citrus producers should be compensated.

The Appropriations bill we are considering today provides the Secretary with authority to spend funds on compensation for growers who experience losses due to citrus canker.

Our amendment would modify this language to mirror language in the House-passed Agriculture Appropriations bill which provides up to $40 million for compensation of growers for citrus canker losses.

Our amendment ensures that Florida citrus growers whose trees are destroyed as a result of federal regulation are able to receive appropriate compensation.

I hope that my colleagues will join me in providing much needed assistance to an industry besieged by disease and severely impacted by a federal regulation which, while well-intentioned and important to the eradication of this disease, robs citrus growers of income from healthy trees for a three to four year period.

AMENDMENT NO. 3970

On page 76, strike lines 6 through 18 and insert in lieu thereof:

''For an additional amount for ''Salaries and Expenses'', $59,400,000 to be available until September 30, 2001: *Provided,* That this amount shall be used for the Boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: *Provided,* That the entire amount shall be available only to the extent on official budget request for $59,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.''

Mr. COCHRAN. Mr. President, during year 2000, the National Boll Weevil Eradication Program (BWEP) will have approximately 6.8 million acres under active eradication and treatments will be initiated on an additional 832,000 acres, bringing the total acreage in active eradication to 7.65 million acres. The states participating in treatments currently are: Arkansas, Louisiana, Mississippi, Tennessee, New Mexico, Oklahoma, and Texas.

By 2001 another 2 million acres will begin eradication, and at the same time, eradication will be completed on about 1 million acres. Thus the total acreage in active eradication in 2001 will increase to 8.8 million acres. The peak year for the high costs to the participants of the eradication program will be in 2001.

Initially the BWEP operated on a 70/30 cost-share basis with the growers providing 70 percent through a pre-acre self-assessment approved by referendum and 30 percent provided through annual federal appropriations. Programs in Virginia, North Carolina, South Carolina, Georgia, Arizona and portions of Alabama and Florida were completed with a 70/30 cost-share. As participating acreage rapidly expanded across the cotton belt, the federal cost-share declined from 30 percent to about 4 percent in fiscal year 2000.

With the problems American agriculture is still facing with low commodity prices, droughts, and flooding, the burden of this program at a cost-share rate of 96/4 is jeopardizing the participation in the Boll Weevil Eradication Program nationwide.

This amendment, which I am offering today to the Fiscal Year 2001 Agricultural Appropriations bill, increases the Animal, Plant and Health Inspection Service's salaries and expenses by $59,400,000. This amendment includes an emergency declaration which requires the President to request the full amount before the monies are appropriated.

This additional appropriation will enable APHIS to increase federal funding for is to increase the Boll Weevil Eradication Program by $59,400,000 for 2000. This amount is needed to provide a thirty percent cost-share to farmers participating in the program. With this appropriation, farmers will be able to fully participate in the eradication program without putting another financial strain on their farm income.

AMENDMENT NO. 3971

(Purpose: To provide financial assistance to the State of South Carolina in capitalizing the South Carolina Grain Dealers Guaranty Fund)

At the appropriate place in chapter 1 of title I of Division B, insert the following:

For an additional amount for the Secretary of Agriculture to provide financial assistance to the State of South Carolina in capitalizing the South Carolina Grain Dealers Guaranty Fund, $2,500,000: *Provided,* That, these funds shall only be available if the State of South Carolina provides an equal amount to the South Carolina Grain Dealers Guaranty Fund: *Provided further,* That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 3972

(Purpose: To restrict the use of funds to provide certain conservation assistance and authorize a transfer of funds for the Wildlife Habitat Incentive Program)

On page 85, after line 8, of Division B, as modified, add the following:

SEC. (a). None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 211 of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 3830 note; Public Law 106–224) unless—

(1) the Secretary permits funds made available under section 211(b) of the Agricultural Risk Protection Act of 2000 to be used to provide financial or technical assistance to farmers and ranchers for the purposes described in section 211(b) of that Act; and

(2) notwithstanding section 387(c) of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a(c)), the Secretary permits funds made available under section 211 of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 3830 note; Public Law 106–224) to be used to provide additional funding for the Wildlife Habitat Incentive Program established under that section 387 in such sums as the Secretary considers necessary to carry out that Program.

(b) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided,* That the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

AMENDMENT NO. 3973

(Purpose: To provide for assistance for emergency haying and feed operations in the State of Alabama)

In section 1107, after the first proviso insert ''*Provided further,* That of the $450,000,000 amount, the Secretary shall use not less than $5,000,000 to provide assistance for emergency haying and feed operations in the State of Alabama:''.

AMENDMENT NO. 3974

(Purpose: To provide emergency funding to the Department of Agriculture's Rural Community Facilities program)

On page 40, line 17, after the period, insert the following:

''For an additional amount for the rural community advancement program under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), $50,000,000, to remain available until expended, to provide loans under the community facility direct and guaranteed loans program and grants under the community facilities grant program under paragraphs (1) and (19), respectively, of section 306(a) of that Act (7 U.S.C. 1926(a)) with respect to areas in the State of North Carolina subject to a declaration of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the $50,000,000 shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) *Provided further*, That the $50,000,000 is designated by Congress as an emergency requirement under section 251 (b)(2)(A) of the Balance Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT NO. 3975

(Purpose: To make emergency financial assistance available to producers on a farm that have incurred losses in a 2000 crop due to a disaster and to producers of specialty crops that incurred losses during the 1999 crop year due to a disaster)

At the end of chapter 1 of title I of division B, add the following:

SEC. 1108. CROP LOSS ASSISTANCE.—(a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation (not to exceed $450,000,000) to make emergency financial assistance available to producers on a farm that have incurred losses in a 2000 crop due to a disaster, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), including using the same loss thresholds as were used in administering that section.

(c) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to damaging weather or related condition (including losses due to scab, sclerotinia, aflotoxin, and other crop diseases) associated with crops that are, as determined by the Secretary—

(1) quantity losses (including quantity losses as a result of quality losses);

(2) quality losses; or

(3) severe economic losses.

(d) CROPS COVERED.—Assistance under this section shall be applicable to losses for all crops, as determined by the Secretary, due to disasters.

(e) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(f) LIVESTOCK INDEMNITY PAYMENTS.—The Secretary may use such sums as are necessary of funds made available under this section to make livestock indemnity payments to producers on a farm that have incurred losses during calendar year 2000 for livestock losses due to a disaster, as determined by the Secretary.

(g) HAY LOSSES.—The Secretary may use such sums as are necessary of funds made available under this section to make payments to producers on a farm that have incurred losses of hay stock during calendar year 2000 due to a disaster, as determined by the Secretary.

(h) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SEC. 1109. SPECIALTY CROPS.—(a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers of fruits, vegetables, and other specialty crops, as determined by the Secretary, that incurred losses during the 1999 crop year due to a disaster, as determined by the Secretary.

(b) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to a disaster associated with specialty crops that are, as determined by the Secretary—

(1) quantity losses;

(2) quality losses; or

(3) severe economic losses.

(c) ELIGIBILITY.—Assistance under this section shall be applicable to losses for all specialty crops, as determined by the Secretary, due to disasters.

(d) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(e) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

AMENDMENT NO. 3976

On page 85 after line 8 of Division B, as modified, insert:

SEC. . Notwithstanding any other provision of law, the Secretary of Agriculture shall make a payment in the amount of $7,200,000 to the State of Hawaii from the Commodity Credit Corporation for assistance to agricultural transportation cooperative in Hawaii, the members of which are eligible to participate in the Farm Service Agency administered Commodity Loan Program and have suffered extraordinary market losses due to unprecedented low prices.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments, (Nos. 3457, 3933, 3965, 3966, 3967, 3968, 3969, 3970, 3971, 3972, 3973, 3974, 3975, and 3976), en bloc, were agreed to.

Mr. COCHRAN. I further ask consent that it not be in order in the Senate, for the remainder of the 106th Congress, to consider any bill or amendment that raises the level of emergency spending for agriculture above the level contained in this Agriculture appropriations bill as of the adoption of the above described amendments.

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

The Senator from Texas.

Mr. GRAMM. Mr. President, I thank Senator STEVENS for agreeing to this amendment. I realize that there are legitimate emergencies, but I remind my colleagues that in the last 2 years we have had $16.6 billion of agricultural emergencies. This amendment does not guarantee that we are not going to have more. But it certainly strengthens the ability of those who want to draw the line and say that enough is enough.

So I support this agreement. I thank Senator STEVENS and Senator COCHRAN.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank Senator STEVENS as well. I thank Senator COCHRAN and others who helped craft this agreement—Senator KOHL. Because the fact is, there are real disasters and real emergencies. In my State where, on June 12, 20 inches of rain fell in 36 hours, 1 week later 8 inches of rain fell in 6 hours. It gave us this headline in the biggest paper in our State: ''Swamped.'' It says it all. A disaster of stunning proportions costing hundreds of millions of dollars in the major city of our State—1.7 million acres of land, of cropland, devastated. This is an emergency. It is a disaster. It must be addressed.

Through this amendment we will begin the process of healing. I thank all those who participated in this agreement.

I do want to answer the Senator from Texas when he says we have had $14 billion of emergencies in the last 2 years. The underlying reason is a failure——

Mr. BYRD. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senator will suspend.

The Senator from North Dakota.

Mr. CONRAD. I thank the Chair, and I thank very much my colleague from West Virginia.

The reason we have had to have substantial emergency spending is because of the failure of the last farm bill. The last farm bill represents unilateral disarmament. While our major competitors, the Europeans, are spending $50

billion a year to support their producers, we, on average, were spending $10 billion under the previous farm bill. We cut it in half on the notion that the Europeans would follow our good example.

What a foolish tactic. We would never do that in a military confrontation, engage in unilateral disarmament. But it is precisely what we did with respect to a trade confrontation.

Agriculture has been in deep trouble and we have responded. Congress, the administration, and we thank our colleagues, for that response. But now we have been hit by unprecedented natural disasters.

The PRESIDING OFFICER. The Senator will suspend. I want to get the Senate back to order.

I ask colleagues take conversations off the floor and take them to the Cloakroom. Please take your conversations to the Cloakroom.

The Senator from North Dakota is recognized.

Mr. CONRAD. Again, I thank the courtesy of the Chair.

We have been hit by unprecedented natural disasters. This body has been generous in responding, whether it was in North Dakota or New Mexico. I just hope we do not ever lose that generosity of spirit in this country because none of us can predict who might be hit next.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I thank Senator GRAMM for working on this with me and the distinguished chairman of the Agriculture Committee and all those who helped put an agreement together, including TED STEVENS, Senator STEVENS, and those who helped him. I really believe the discussion tonight was a very good one. Whether or not it means anything in the weeks and months to come, who knows? But, frankly, I am fully aware in that list there are some items that are really natural disasters, or disasters of one sort or another that we would compensate for. I just believe that at some point or another in the field of agriculture, and on the agricultural bill, at some point in time adding emergencies has to kind of end. I submit there would be more than this if it would be 2 weeks from now when the agricultural bill came up.

That is my point. I really have a lot of faith and confidence in THAD COCHRAN and his minority ranking member. But I frankly believe sooner or later we ought to just face up and add to the budget and not continue to add emergencies when they are not emergencies. And certainly many of them were. I did not have a chance to look at it thoroughly.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I regret to tell my friend from Texas—I have told him informally, but I will tell him formally now—we have a staggering disaster going on in Alaska right now. It is the total collapse of the fish runs in the Yukon and Kuskokwim Rivers that sustain a substantial number of our native villages. If this is not in this bill now, it might come in in conference, but it is going to come up sometime before this year is out. I just want to put the Senate on notice. I was talking here about the agriculture items that are in this bill now. But I do not feel bound not to represent my State later, in terms of trying to protect these people who live in rural Alaska.

I talked today to James Lee Witt who is the Federal Emergency Management Agency Director. He told me the President had asked him to work with all existing agencies to try to find out what could be done under existing law and with existing funds to deal with a disaster that is taking place as we speak. We will not know, probably, until we come back in September, what will be required. But we do expect to have some substantial problems with this disaster within the coming 5 or 6 weeks.

I hope my friend understands what I am saying to him. In this agreement we just made, that, to me, does not include the fisheries disaster that is going on now in Alaska.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I want to thank Senators COCHRAN and KOHL for staying with this issue for those of us who represent States with true disasters, true emergencies, that were not represented in the bill as it came to the Senate. We have had the worst outbreak of fire blight in our apple industry in the history of the State of Michigan. Our Governor has requested that Secretary of Agriculture Glickman grant a disaster designation for seven counties in Michigan that have been afflicted by fire blight.

I ask unanimous consent that this request be printed in the RECORD along with two newspaper articles.

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

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, MI, June 30, 2000.

GOVERNOR REQUESTS DISASTER DESIGNATION FOR FRUIT GROWERS IN SOUTH AND SOUTHWEST MICHIGAN

Governor John Engler announced today that he has requested a United States Department of Agriculture Disaster Designation for fruit growers in South and Southeast Michigan.

Fruit trees in that region suffered from a very severe storm that brought hail, high winds and heavy rain on May 18.

That severe weather caused small wounds and scars on the leaves, limbs, and fruit of apple, cherry, apricot, plum, pear and peach trees. In the case of apples and pears, these wounds allowed the bacteria known as fire blight to enter the tree. This bacteria quickly infects the limbs, killing the leaves and fruit, eventually making its way into the roots, killing the entire tree.

It is estimated that over 2,000 acres of apple trees in the counties of Allegan, Berrien, Branch, Cass, Hillsdale, Kalamazoo and Van Buren are dead or dying, with another 5,400 acres showing severe symptoms of this insidious disease. This is the area to be covered by Governor Engler's disaster designation request.

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, MI, June 29, 2000.

Hon. DAN GLICKMAN,
Secretary of Agriculture, Administration Building, Washington, DC.

DEAR SECRETARY GLICKMAN: A natural disaster has occurred in Michigan that will result in production and physical losses in fruit crops and fruit trees for the year 2000. Consistent with USDA policy, I am hereby alerting you within the required 90 day time period that such a condition exists.

The month of May was wet and humid throughout Southwest Michigan. More than five inches of rain fell in May alone and 15 days in May saw relative humidity above 80%. On top of this weather, a severe thunderstorm hit the area on May 18, 2000, bringing high winds very heavy rain, and hail. This storm caused severe damage to fruit trees and the fruit crop in the region. This damage was exacerbated when a bacterium, fire blight, took hold in apple and pear trees. This fire blight infection was directly related to the May 18, 2000, storm inasmuch as the hard rain and hail scarred and wounded the leaves, limbs and fruit of apple and pear trees, creating an avenue for the fire blight disease to enter the trees.

The following counties were affected: Allegan, Berrien, Branch, Cass, Hillsdale, Kalamzaoo, Van Buren.

This disaster affected apples, sweet and tart cherries, apricots, plums, pears and peaches. Only apples and pears were affected by the resulting fire blight.

Damage assessment information will be forwarded to your office by the Michigan Farm Service Agency as soon as it available. Thank you for your attention to this matter.

Sincerely,

JOHN ENGLER,
Governor.

Mr. LEVIN. We are always the No. 2 or No. 3 state in terms of apple production. Every year we vie with New York for who comes in second after the State of Washington. But our apple industry has suffered major devastation in southwestern Michigan. We have had the largest problem with fire blight in the history of our State. It is a true disaster. It seems to me some people just look at the whole and ignore the parts. They also have a responsibility of looking at the parts. Our part was a disaster which we addressed in the form of an amendment providing relief on June 19. Senator COLLINS and 12 bipartisan cosponsors joined this amendment. I thank them very much for their assistance. We cover potatoes as well as apples because there has been an honest to goodness disaster emergency amongst potato growers as well.

I once again, thank the managers of this bill. I know how difficult this is. Those of us who represent States that had emergencies that were not reflected in the bill, as it came to the Senate, counted on the managers and our colleagues to do justice for our emergencies in the same way this bill, as it came to the Senate, addressed emergencies in other States.

We are deeply grateful to the managers. We thank Senator STEVENS and others who were able to work out this agreement so our true disaster could be taken care of.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator from Mississippi and the Senator from Wisconsin, and others, including the Senator from Alaska and my colleagues who have agreed to a compromise.

The history of disaster aid in this Congress is well over a century old. This is not a new issue. For well over a century, Congress has dealt with the issue of disasters that have occurred in some parts of this country.

I am proud of supporting disaster aid for areas of this country that suffer earthquakes, hurricanes, fires, floods, and tornadoes. In the case of the fires that recently ravaged and injured so many people and their property in New Mexico, I am proud to say that I wanted us to help them, and we did. I am proud to say I helped the folks in Los Angeles who were flattened by earthquakes, and the folks in Texas who have been injured by drought.

It is one of those areas of public spending where I say it is the best this country has to offer. When a region of this country, when its people are flat on their backs from causes that they could not control, this Congress extends its hand and says to them: You are not alone. We want to help you. We have a long tradition of doing that, and I am proud of that tradition.

In North Dakota, as my colleague indicated, late one night in June, several thunderstorms converged together and then did not move. In a State that gets 17 inches of rainfall in a year, in one spot they received 18 to 20 inches in 36 hours. Think of that. About a week and a half later, the Red River Valley, land that is dead flat, flat as a table top, received 8 inches of rain in 6 hours. They were flooded. Up to 1.7 million acres of farmland that people planted in the spring with the sweat of their brow and risked their money to plant were either destroyed or severely damaged.

We ask Congress to recognize that this, too, is a natural disaster for those producers and people who live in those areas. That is what this is about. None of us in this Chamber should ever be bashful about saying there are people in need in this country, and when that need exists because of causes they did not control or could not control—fires, hurricanes, earthquakes, floods—then we should respond.

It represents the very best impulse, in my judgment, of this body. That is what this debate is about. From our standpoint, it is especially about family farmers. As I said earlier today, they are some of the best in this country. They risk their money. They hope for a good crop. So many things are beyond their control. Then they discover that late one night a hailstorm comes through, and the crops are devastated; or a flood inundates their crops; or a drought dries them up; or the insects come and eat them out; or disease comes and their crop is gone. That is what this is about.

Mr. President, those tonight who worked for a solution to add some emergency funding to this piece of legislation have done those in need in this country a service. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, we are getting to a point where we are winding down on this bill. We have several more amendments, probably less than five. Some of those will be disposed of with the managers' good work. I think we should take a few minutes to see where we are. Therefore, 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. 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.

The Senator from Illinois.

AMENDMENT NO. 3980

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself, Mrs. BOXER, and Mr. HARKIN, proposes an amendment numbered 3980.

The PRESIDING OFFICER. Is there objection to the consideration of this amendment, which is not on the unanimous consent——

Mr. LOTT. Reserving the right to object, and I will not object, I know a lot of Senators on both sides are wondering about the proceedings at this time. I understand there are at least a couple of amendments that may take a few minutes. And then, of course, we are not sure at this point whether they would require a recorded vote or not, and then final passage.

We still hope to get an agreement that would allow us to go to the marriage penalty tonight, and have an hour of debate on that, and then continue on that tomorrow. And beyond that, we will have to get an agreement worked out.

I urge my colleagues to, if they will, agree to time limits and cooperate with the managers as much as they can. We need to finish this bill in the next 30 minutes, if we can, and get an agreement on how we proceed for the rest of tonight, tomorrow, and Monday.

So I withdraw my reservation. And I thank Senator DURBIN for allowing me to do that at this point.

The PRESIDING OFFICER. Without objection, the amendment is in order.

The amendment is as follows:

(Purpose: To clarify the effect of the provision prohibiting amendment of part 3809 of title 43, Code of Federal Regulations)

In section 3102, after the first sentence insert the following: ''This section does not limit the authority of the Secretary to promulgate final rules, or to revise or amend subpart 3809 of title 43, Code of Federal Regulations, so as to require full financial assurance of reclamation of mining sites to protect the taxpayers from the actions of hardrock mining operations that cause damage to or destruction of public land; to prevent environmental destruction that unduly threatens fish or wildlife habitat; and to prevent pollution that threatens public health or the environment.''.

Mr. DURBIN. Mr. President, section 3102 of the Agriculture appropriations bill does not address the production of food and fiber in America. It does not address any jurisdiction of the Department of Agriculture. It is a provision which has been added to this bill which relates directly to hard rock mining in the United States, which is under the jurisdiction of the Department of the Interior.

I might say, parenthetically, I found it very interesting listening to this debate on the Ag appropriations bill, and considering some of the comments that have been made on the Senate floor in the past year about limiting the subject matter of amendments and the substance of legislation.

If we can consider an Amtrak amendment on the Ag appropriations bill, and if we can consider an amendment on hard rock mining on the Ag appropriations bill, then those who come before us and say we have to have purity in the amendments we are offering and considering on the bill should remember this particular debate.

I was surprised to find that a point of order on a motion to strike, based on that point of order, would not stand because of what I consider to be a very thin connection to some language in the House appropriations bill. But the Parliamentarian advised me of that. I understand that is going to be the rule of the day around here. I suppose that is what we will play by. I am sure each side will find an advantage and disadvantage associated with that interpretation.

Allow me to address the amendment before us, and to try to do it in a very concise way, knowing that everyone has waited a long time. I have waited for 8½ hours to offer this amendment.

Let me say at the outset, we are dealing with the hard rock mining industry. An effort is being made, with

the language in this Agriculture appropriations bill, to stop the Department of the Interior from issuing new regulations to make sure that this industry follows the best practices to protect the taxpayers of this country and the environment.

To put it in perspective, just this May the Environmental Protection Agency released its Toxics Release Inventory report. It identified the hard rock mining industry in the United States as our Nation's largest toxic polluter.

The mining industry released 3.5 billion pounds of toxic pollution in 1998. I will repeat that. The mining industry released 3.5 billion pounds of toxic pollution in 1998. Almost half of all of the toxic pollution in America comes from this industry, which is being protected by this amendment in the Agriculture appropriations bill.

The U.S. Bureau of Mines has identified 12,000 miles of American streams and 180,000 acres of American lakes polluted by mining. The EPA has listed 27 hard rock mines as Superfund sites. It is time for us to update the 19-year-old regulations that protect public lands managed by the BLM from the environmental impact of hard rock mining.

These regulations, commonly referred to as 3809 regulations, help the BLM comply with Federal land policy. They direct the Secretary of the Interior to ''take any action necessary to prevent unnecessary or undue degradation on the federal lands.''

Since these regulations were first promulgated in 1981, the whole hard rock mining industry has changed in America. New technologies have allowed the industry to expand tenfold. New exploration techniques have resulted in capabilities unknown 20 years go. Larger excavation equipment allows ores to be mined from larger and deeper pits and has made open-pit mining feasible in areas where it would not have been feasible before.

Just as the mining industry has modernized, so too should the regulations that protect the environment and the taxpayers. Those who would put this amendment in this bill are stopping the modernization of those regulations designed to protect public lands, the environment, and the taxpayers.

As I explain one aspect of this, you will understand that the provision in this particular section of the Ag bill will result in literally hundreds of millions of dollars, if not billions of dollars, of liability to the taxpayers of today and tomorrow.

The need to update these regulations has been recognized a long time. The BLM established a task force in 1989 to look them over. President Bush expected it to be done in short order, and it still has not happened.

There has been a steady stream of reports. This is, as best we can tell—this rider introduced by Senators MURKOWSKI and CRAIG—the fifth attempt in 4 years to block the Department of the Interior from implementing stronger environmental regulations on hard rock mining.

Last year, there was a compromise. The compromise said we are not just going to give this assignment to the Department of Interior. We are going to give it to a group, the National Research Council, that is associated with the National Academy of Sciences and ask them to come up with recommendations for new regulations on this industry to protect the environment. In fact, what this particular rider does, this environmental rider on this Ag bill, is to stop the implementation of most of the recommendations that came forward from the National Research Council.

Let me tell the Senate why we need stronger regulations. First, any group that starts to mine on these public lands usually has to post a bond. It is a financial assurance that their activities on these lands will not in any way destroy the environment, and that ultimately the land will be reclaimed and the stabilization and vegetation of the land will be restored. Sadly, in many instances, these hard rock mining companies will post bonds that are literally worthless, corporate bonds, for example, and when the company goes bankrupt, they are of no value or little value at all. I will give a few examples a little later on of where these bonds have failed us and we have found the taxpayers holding the bag.

Reclamation bonds are meant to ensure that companies do not declare bankruptcy and leave taxpayers responsible for the cleanup bill. The current bonding requirements don't work. In example after example, in Idaho, in Montana, in South Dakota, we find that these companies have gone bankrupt, the bonds don't cover the expenses, and the taxpayers end up holding the bag. The recommendation from the National Research Council, which I hold here, was that we change that assurance, that financial assurance to protect the taxpayers. This environmental rider stops that reform. It makes certain that the taxpayers don't have that protection.

A recent study by the National Wildlife Federation and the Center for Science and Public Participation found that American taxpayers are facing as much as $1.1 billion in liability for restoring hard rock mines in the Western U.S. because current reclamation bonding regulations are inadequate. In Nevada alone, as of 1999, 13 mines have gone bankrupt. As of May 2000, at least 29 mines are bankrupt. Most of these mines were bonded by corporate guarantees. Just one single mine, the Yerington mine, could cost American taxpayers up to $40 to $80 million to clean up. The effort to put real bonding requirements in the law to protect the taxpayers and the environment will be stopped by this environmental rider.

Also, there is a question of environmental performance standards. These standards have to be adjusted to reflect modern mining practices. Let me give an example. One technique that is now being used, heap leaching, is increasingly common. Millions of tons of ore are extracted and piled in heaps on lined pads often hundreds of feet high. This post illustrates what I am discussing. To give Senators an idea of what we are talking about, this is a hard rock mining site. To put it in perspective, we can barely see this tiny dot down here, a large over-the-road truck, to give an idea of the heaps of ore. Under the heap leaching process, a cyanide solution for gold or silver or sulfuric acid for copper is sprayed in open air over the pile so that ultimately it will leach the mineral from the ore. As I said earlier, it is this use of cyanide and sulfuric acid that has led to hard rock mining being the No. 1 toxic polluter in the United States of America.

The mining industry has released 3.5 billion pounds of toxic pollution in 1998. In addition, we have to say that many of these agencies, like BLM and the Forest Service, need to have the right to deny mining in highly sensitive areas, particularly areas that are adjacent to national forests, national parks, and populated areas where they can cause great damage.

Let me tell my colleagues about one particular mine as an example, the Zortman-Landusky mine in Montana. The Zortman-Landusky mine is located in the Little Rocky Mountains of north central Montana. ZL is an open-pit mine, one of the world's first large-scale cyanide heap leach gold mines and the largest gold mine in Montana when operations began in 1979. Lack of standards on pad construction allowed the company to overload its leach pads leading to cyanide releases in the nearby streams and potential health problems for the local communities. The Canadian Pacific company, Pegasus Gold, Incorporated, that owned the mine, went bankrupt in 1998. It left a bond to protect the damage it had created in the amount of $61.9 million. The actual cleanup cost for this site is estimated at approximately $70 million, leaving nearly $8.6 million to be picked up by the taxpayers.

I would like to read for you for a moment a comment not from an environmental group, not from some eastern group of tree huggers, if you will, but from the Daily Missoulian. This is an editorial, Sunday, August 29, 1999, Missoula, MT. Referring to this particular mine, in their editorial entitled ''Miners Offer Regulators Some Hard Lessons from Montana''—my friends, the Western States where these mines are located:

Pegasus' bankruptcy has been an eye-opening experience for State regulators. Among the lessons learned:

It's a mistake to assume the companies that develop mines will stay around—or even exist—when it comes time to clean the mines up.

Reclamation plans that presume miners will reclaim their own mines understate the actual cost when miners go out of business or skip out. Everything becomes more expensive when the state has to hire contractors for the work.

The third lesson directly impacts the environmental rider which we are considering on this bill:

Reclamation bonds required to insure cleanup may not be worth as much as expected. At least some of the insurance companies that issue reclamation bonds would rather fight than pay, forcing the state to rack up legal expenses or accept lesser settlements.

It goes on to say:

Look hard around the state [of Montana], and you won't find a single example of a large-scale hard-rock mine successfully reclaimed.

Taxpayers and the environment aren't the only losers when the reclamation plants go awry. Miners haven't done their industry any favors, either. Mining is controversial enough, even when people focus on jobs and profits. Leaving citizens in the State with big messes and big bills to pay after the mines play out is a good way to wear out your welcome.

Incidentally, in this same Missoula, MT, editorial, they go on to praise the coal mining in the State which has modernized its practices and is considered more responsible by these editorial writers.

Because the hour is late, I will not go through the five or six examples that I have of mines in Idaho, in South Dakota, which have literally been abandoned because of bankruptcy, leaving the taxpayers holding the bag for millions, almost $1 billion in liability.

This environmental rider stops the Department from coming up with meaningful bonds. Quite honestly, it means that those who exploit public lands and leave an environmental mess behind and threats to the public health frankly make a fool out of Uncle Sam and American taxpayers. That is what this environmental rider does.

I say to my colleagues in the Senate, as I close, what I am offering in this amendment is as follows: We should give the Bureau of Land Management and the Department of the Interior the authority to promulgate rules which will require full financial assurance of reclamation of mining sites. I state specifically the goals that we are seeking: To protect the taxpayers from the actions of hard rock mining operations that cause damage to or destruction of public lands, to prevent environmental destruction that unduly threatens fish or wildlife habitat, and to prevent toxic pollution that threatens public health or the environment.

Mr. JOHNSON. Will the Senator respond to a question?

Mr. DURBIN. I am happy to respond.

Mr. JOHNSON. I represent a western gold mining State. I have just returned recently from examining the Brohm site in the beautiful Black Hills of South Dakota where the Brohm Mining Company has gone bankrupt with approximately a $5 million bond. That site has now been declared a Superfund site. It is now going to cost the Federal taxpayers approximately $27 million because of the inadequacy of the bond at this site. It is going to cost the taxpayers of the State of South Dakota in perpetuity tens of millions of dollars to monitor the streams and the environment around that bankrupt site.

Is the Senator telling us that without the amendment he is offering here, we will continue to see these inadequate bonds and these costs being shifted to the taxpayers to pick up the cost of mining companies—oftentimes foreign mining companies—that have spoiled our land and then walk on?

Mr. DURBIN. The Senator from South Dakota is absolutely correct. I think it is important that a Senator from a State where this mining is taking place has come to share this story. This is not just testimony presented by environmental groups. These are the real-life circumstances of people in Western States, where the mining is taking place, who are left with a mess when the mines go bankrupt.

This environmental rider stops us from revising and reforming the financial assurance language and requiring bonds of companies that literally will protect the communities and the taxpayers and families around these mining sites. That is what it is all about. That is the bottom line.

Mr. President, I thank my colleagues in the Senate. I have waited for a long time to offer this. I will not belabor it. I hope they will join me in passing this amendment, which will establish standards which I think are reasonable to make sure this industry can continue but only in a responsible way.

I yield the floor.

Mr. KERRY. Mr. President, I support the amendment offered by Mr. DURBIN to amend Section 3102 of the Agriculture Appropriation bill.

Section 3102 is the latest edition in a series of riders that have prevented the Clinton Administration from reforming hardrock mining on public lands by putting in place sound environmental and fiscal protections. In past debates, proponents of these riders have argued that the hardrock mining industry has reformed its ways. They acknowledge that mining companies have made mistakes in the past. How could they not? The facts are overwhelming: More than 300,000 acres of federal lands have not been reclaimed. There are more than 2,000 abandoned mines in national parks. There are 59 Superfund sites at former mines across the country. The Mineral Policy Center estimates that the cleanup costs for abandoned mines on public and private lands may reach $72 billion. But after acknowledging this legacy of environmental damage, the proponents of these riders argue it is the result of decisions made 50 or 60 years ago—before we knew better—before we understood that there a limits to what the environment can withstand. They tells us that a new environmental consciousness, sensitivity and awareness have taken root in the industry, and today's mines are safe because they utilize modern technology and practices.

This is an important point, Mr. President. It deserves a response. I'm not out to punish the mining industry for mistakes of the past. I recognize that the mining industry has made improvements and that not all mining operations result in environmental disaster. The March 2000 National Geographic has an excellent article on the hardrock mining industry. It discusses the history of the mining in the West, its cultural heritage, its economic contribution, and its unfortunate legacy of environmental ruin. It also talks about some of the new efforts underway to lessen mining's impact on the environment. It describes Homestake Mining Company's McLaughlin gold mine near Lower Lake, California as a safe mine. The McLaughlin operation recycles and contains all processed water, the 600-acre tailings pond will eventually be converted into wetlands, and a monitoring system watches for contamination of ground water. Sierra Club and the Mineral Policy Center—two groups sharply and appropriately critical of mining operations—have praised this operation. Homestake's environmental manager at the site told National Geographic that, ''When you look at the total environmental cost, it's roughly 2 percent of our capital costs for the whole project. We want to protect the our stockholders' investment. Creating an environmental liability doesn't serve their interests or ours.''

I am confident that McLaughlin is not the only operation that is working and caring for the land, but it's just not true to say that the entire industry is reformed. There are bad actors and mistakes happen, and that is why we need tougher standards.

I urge my colleagues to look at the record of the Hecla Mining Company's Grouse Creek Mine in the Salmon-Challis National Forest in Idaho. The Grouse Creek Mine opened in 1994 with great expectations. It was precisely the kind of operation we've heard about on the Senate floor: a new mine operated under a new environmental ethic, and presumably an example of why we don't need tougher protections. In August 1995, Mr. Michael White, the Vice President and General Counsel of the Hecla Mining Company, testified before the Senate that, ''The Grouse Creek Mine is a state-of-the-art facility and

has been constructed not only to meet, but to exceed, existing environmental requirements.'' Mr. White continued, ''For example, road improvements that included sediment catch basins actually reduced sediment impact to Jordan Creek compared to preexisting conditions.'' Let me be clear: Mr. White promised us a state-of-the-art facility that would exceed existing environmental requirements, and he went even further to promise that the Grouse Creek Mine would actually improve the environment by reducing the sediment runoff into Jordan Creek. Hecla's chairman, Arthur Brown, said in 1995 of Grouse Creek that, ''Minimizing the environmental impact is a strong focus of Hecla.'' A Hecla company spokeswoman said in 1995, ''We believe that we need to take care of the land we are using; it's just good stewardship.'' The former Governor of Idaho, Cecil Andrus added his praise, saying ''Hecla has met every requirement we've asked of them. I can show you a thousand sins of the past that we need to clean up but modern mining is a plus.'' And the accolades continued: The Idaho Department of Lands nominated the mine for an award, and Hecla employees were honored by the US Department of Agriculture for their environmental work.

It is now only 6 years latter, and Grouse Creek is an environmental disaster. In 1996—only two years after the mine opened— the Environmental Protection Agency fined Hecla $85,000 for violating its wastewater permit. EPA found cyanide and mercury discharges that exceeded their limits by more than five times the allowed levels for over a year, and the mine was cited for excessive sediment discharge into Jordan Creek. In April 1999, Idaho officials found cyanide leaking into a stream that is habitat for the endangered chinook salmon, steelhead trout and bull trout. The cyanide levels were more than 12 times the concentrations at which chronic exposure harms fish. The environmental legacy of the now-closed mine is a tailings impoundment holding 450 million gallons of cyanide-laced water and 4.3 million tons of heavy metals. Can you imagine? The General Counsel of Hecla, Michael Smith, actually testified before the Senate in 1995 that the mine would actually improve the environmental quality of Jordan Creek. Within less than five years the operation was cited for loading Jordan Creek with excessive sediments and cyanide. The fiscal legacy is just as bad. A May editorial in the Idaho Falls Post Register reports that Hecla may walk away from the environmental mess it has created if the cost of cleanup exceeds $28 million. Before opening the mine, Hecla was only required to put up a bond of $7 million, and the company reported $120 million in losses before closing the mine. Maybe Hecla will reclaim the land, maybe it won't—it's too early to judge that issue—but clearly a system that allows part of a national forest to be turned into a toxic waste site, and leaves us negotiating cleanup, is in need of reform. And, Mr. President, more importantly, this didn't happen 50 years ago or 60 years ago. It happen 6 years ago.

Grouse Creek isn't the only unfortunate example of the ''modern'' mining industry's environmental troubles. The Phelps Dodge Mining Corporation's Chino copper mine near Santa Rita, New Mexico has dumped more than 180 million gallons of contaminated wastewater into Whitewater Creek since 1987. In 1990, rainwater flushed 324,000 gallons of wastewater out of the Ray Complex mine site and into the Gila River in Arizona. Shortly after opening in 1986 the Summitville gold mine in southern Colorado began leaking cyanide, acid and heavy metals into 17 miles of the Alamosa River. Its owner is now bankrupt, the mine closed and the land has been declared a Superfund site.

We need reform. Today's debate is not about sins of the past or punishing the mining industry. It is about ending a system that sells public land for as little as $2.50 per acre. A system that has allowed more than $240 billion worth of minerals to be excavated from public lands and does not collect a cent in royalties. A system that, despite all the excuses and promises, continues to allow the land to be damaged. We should not have to depend on the goodwill of the mining industry to protect public land—the rules should be clear, they should be strong and they should be enforced. American citizens should not carry the burden of fiscal and environmental irresponsibility.

I thank Senator DURBIN for moving to amend the hardrock mining rider. I urge other my colleagues to support the amendment.

Mr. GRAMM. Mr. President, under rule XVI of the Senate, this is legislation on an appropriations bill. I raise a point of order against it.

Mr. DURBIN. Mr. President, I raise the defense of germaneness, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The Chair submits to the Senate the question, Is the amendment germane?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING) is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Nebraska (Mr. KERREY), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

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

The yeas and nays resulted—yeas 36, nays 56, as follows:

[Rollcall Vote No. 224 Leg.]

YEAS—36

Akaka	Graham	Reed
Bayh	Gregg	Robb
Biden	Harkin	Rockefeller
Chafee, L.	Jeffords	Roth
Cleland	Johnson	Sarbanes
Collins	Kohl	Schumer
Dodd	Landrieu	Snowe
Durbin	Lautenberg	Specter
Edwards	Leahy	Torricelli
Feingold	Levin	Voinovich
Feinstein	Lieberman	Wellstone
Fitzgerald	Lincoln	Wyden

NAYS—56

Abraham	Domenici	McCain
Allard	Dorgan	McConnell
Ashcroft	Enzi	Mikulski
Baucus	Frist	Moynihan
Bennett	Gorton	Murkowski
Bingaman	Gramm	Nickles
Bond	Grams	Reid
Breaux	Grassley	Roberts
Brownback	Hagel	Santorum
Bryan	Hatch	Sessions
Burns	Helms	Shelby
Byrd	Hollings	Smith (NH)
Campbell	Hutchinson	Smith (OR)
Cochran	Hutchison	Stevens
Conrad	Inhofe	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
Daschle	Lugar	Warner
DeWine	Mack	

NOT VOTING—7

Boxer	Kennedy	Murray
Bunning	Kerrey	
Inouye	Kerry	

The PRESIDING OFFICER. On this vote the ayes are 36, the nays are 56. The judgment of the Senate is that the amendment is not germane. The amendment falls.

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

Mr. BOND. 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 Montana.

Mr. BAUCUS. Mr. President, I have two amendments.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAUCUS. Mr. President, I have two amendments, one of which I am not going to offer.

I have an amendment which establishes the Trade Injury Compensation Act of 2000. This measure is identical to my bill, S. 2709, which enjoys wide bipartisan support by my fellow members of Senate Beef Caucus and has already been referred to the Senate Agriculture Committee.

The Trade Injury Compensation Act establishes a Beef Industry Compensation Trust Fund to help the United States cattle industry withstand the European Union's illegal ban on beef treated with hormones.

Over a year ago, the World Trade Organization endorsed retaliation when the EU refused to open to American

beef. Since that time, the EU has continued to stall in its compliance which is frankly, outrageous. For over a decade we've fought the beef battle. Now its time to try something new to help producers who continue to be injured by the ban.

The Trade Injury Compensation Act establishes a mechanism for using the tariffs imposed on the EU to directly aid U.S. beef producers. Normally, the additional tariff revenues received from retaliation go to the Treasury. This bill establishes a trust fund so that the affected industry will receive those revenues as compensation for its injury.

Mr. President, my amendment creates a fund which provides assistance to United States beef producers to improve the quality of beef produced in the United States; and provides assistance to United States beef producers in market development, consumer education, and promotion of the beef industry in overseas markets.

The Secretary of the Treasury shall cease the transfer of funds equivalent to the duties on the beef retaliation list only when the European Union complies with the World Trade Organization ruling allowing United States beef producers access to the European market.

In a perfect world we would not need this amendment because the European Union would abide by its international trade commitments. And it is still my hope that the European Union simply comply with the WTO Dispute Settlement rulings and allow our beef to enter its borders.

Mr. President, the WTO is a critically important institution that sets the foundation and framework to make world trade grow.

We all recognize that it needs improvement, and I, along with many of my colleagues, are working on ways to fix it. We must bring credibility and compliance to the system. The Trade Injury Compensation Act will give some relief to our producers as we strive toward this endeavor.

Mr. President, I realize that we still have work to do in perfecting this amendment. That is why I appreciate my colleague Senator LUGAR's commitment to allow an Agriculture Subcommittee hearing on this bill in September.

In light of that impending hearing, I will not offer the amendment at this time.

Time is of the essence for our producers who have been injured by the European Union. I look forward to this hearing and further expeditious action in this matter.

AMENDMENT NO. 3981

Mr. BAUCUS. 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 Montana [Mr. BAUCUS] proposes an amendment numbered 3981.

Mr. BAUCUS. 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:

(Purpose: To direct the Secretary of the Army to conduct a restudy of the project for navigation, Manteo (Shallowbag) Bay, North Carolina, to evaluate alternatives to the authorized inlet stabilization project at Oregon Inlet)

Strike section 3104 and insert the following:

SEC. 3104. STUDY OF OREGON INLET, NORTH CAROLINA, NAVIGATION PROJECT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army, shall have conducted, and submited to Congress, a restudy of the project for navigation, Manteo (Shallowbag) Bay, North Carolina, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), to evaluate all reasonable alternatives, including nonstructural alternatives, to the authorized inlet stabilization project at Oregon Inlet.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary of the Army shall—

(1) take into account the views of affected interests; and

(2)(A) take into account objectives in addition to navigation, including—

(i) complying with the policies of the State of North Carolina regarding construction of structural measures along State shores; and

(ii) avoiding or minimizing adverse impacts to, or benefiting, the Cape Hatteras National Seashore and the Pea Island National Wildlife Refuge; and

(B) develop options that meet those objectives.

Mr. BAUCUS. Mr. President, this amendment has been agreed to by my good friend, the ever gracious senior Senator from North Carolina.

The amendment strikes the provision in the bill that transfers portions of the Cape Hatteras National Seashore and the Pea Island National Wildlife Refuge from the Department of the Interior to the Army Corps of Engineers. It also requires the Army Corps to conduct a study within 180 days of alternatives, including nonstructural alternatives, to the currently authorized inlet stabilization project at Oregon Inlet. This study would have to take into account objectives in addition to navigation, such as the policies of the State of North Carolina regarding construction of structural measures along the coast and minimizing adverse impacts to the national seashore and the wildlife refuge. Most importantly, the study would have to develop recommendations to meet those objectives. I hope this study will provide a sound basis on which Congress can resolve this issue.

I believe this amendment will be fair to the people of North Carolina and also to the American taxpayers.

The senior Senator from North Carolina has been very helpful in working out this amendment. I appreciate his efforts.

Mr. President, to reiterate, my amendment would replace section 3104 of the bill, which transfers land from the Interior Department of the Corps of Engineers in order to circumvent environmental rules and promote the construction of a system of jetties at Oregon Inlet in North Carolina.

Some background about the Oregon Inlet project.

At the outset, let me acknowledge the obvious. I'm no expert about Oregon Inlet.

Senator HELMS is. He has been working on this issue for at least 30 years.

I am simply trying to react to an appropriations rider by mustering the facts as well as I can.

Oregon Inlet is on the Outer Banks of North Carolina, near Roanoke Island. It is the only inlet between Cape Henry, Virginia, 45 miles to the north and Cape Hatteras, 85 miles to the south.

Like much of the Outer Banks, the Inlet is a dynamic ecosystem, with high waves, swift currents, and a rapidly shifting sandbar at the mouth of the Inlet.

Make no mistake. It is treacherous water. Between 1965 and 1995, more than 20 ships sank or ran aground, with the loss of 22 lives.

I should not, though, that all but one of the deaths occurred before the early 1980s, when the Corps began a dredging program.

In 1970, at the urging of Senator HELMS, Congress enacted legislation authorizing the Corps of Engineers to construct a jetty system at Oregon Inlet.

Specifically, the Corps was directed to deepen the navigation channel through the Inlet from 14 feet to 20 feet and to maintain that channel with two jetties.

It gets more complicated. And much has changed since 1970.

The jetties would prevent the natural flow of sand from north to south. That flow is what replenishes Pea Island, a national wildlife refuge which otherwise would erode.

To counteract this effect, the system includes a system of pipes and pumps that will transport 2 million cubic feet of sand each year.

All told the project will cost American taxpayers $108 million to construct and about $6 million a year to maintain. We all know it will cost more than that.

The project would be built on: The northern part, on the Cape Hatteras National Seashore; and the southern part on the Pea Island Wildlife Refuge.

Therefore, before the Corps can build the project, it must get permits from the Interior Department, confirming that the project will be compatible with the Seashore and the Refuge.

The provision that has been included in the Agriculture appropriations bill, as section 3104, effectively eliminates this permit requirement. It transfers the land from the Interior Department to the Corps, so that permits no longer are necessary.

Those are the basic facts.

Now, some of you listening may be scratching your head, wondering what's going on here. After all, the project was authorized in 1970. Thirty years later, it still hasn't been built. That, you might be thinking, is unacceptable. It's probably because of Government red tape.

Maybe it's high time we cut through all the red tape and move this project along, as the bill would do.

An understandable reaction, if you just look at this on the surface. But, as is often the case, if you dig a little deeper, and get past the surface, it's not that simple.

The principal reason that the project has not been built is that the project is very questionable and very controversial. Many have argued that the project will cause great environmental harm and waste more than one hundred million dollars of taxpayers' money.

Time after time, Interior Secretaries have refused to grant the necessary permits. Including I should note, President Reagan's Interior Secretary, James Watt.

The only exception was when Secretary Lujan granted a permit towards the end of the Bush Administration. Soon after taking office, Secretary Babbitt reversed the decision.

Also time after time, the environmental impact statements developed by the Corps have been found to be inadequate, and the Corps has been sent back to the drawing board.

As we speak, the process continues. The Corps has been asked to revise its latest Environmental Impact Statement, to address what the National Marine Fisheries Service called ''significant errors and inadequacies.''

As I understand it, the revised EIS will be submitted to Corps headquarters around the end of this month and issued in August.

After that, the Corps can move ahead and again seek permits from the Interior Department. If there is a dispute, it will be resolved by the White House.

Section 3104 of the bill circumvents this process by transferring the land and therefore eliminating the need for any permits.

Mr. President, I am sympathetic to the concerns of Senator HELMS and others who support this project. I know that they're frustrated that this project has drawn on too long.

But I believe that the approach taken in the bill has four main faults.

The first goes to process. The provision in the bill is, simply put, a rider. It is authorizing legislation, properly within the jurisdiction of the Environment and Public Works Committee.

This is a controversial issue; it has been debated, back and forth, for thirty years. It should be resolved on the merits, with input from the committee of jurisdiction. It should not be resolved as a rider on an unrelated appropriations bill.

The second fault is that the bill may cause serious environmental harm.

This is, again, a dynamic ecosystem. Always shifting. Always changing.

As this chart shows, there have been major changes in the geography of Oregon Inlet over the years. The Inlet itself has shifted south by about 80 feet a year, which amounts to more than two miles since the Inlet opened in 1848.

In the middle of this dynamic, shifting system, the project would construct a pair of rock jetties that are a total of more than 3 miles long.

That poses two big risks.

In the first place, we'll be altering the natural system by which the ocean erodes and then replenishes the barrier islands along the coast.

As it now stands, each year, tons of sand shift, mostly from north to south, replenishing Pea Island. The jetties will block most of that sand from shifting naturally. To compensate, the Corps plans to pump about 2 million cubic feet of sand each year, that will be trapped above the north jetty, through a large pipeline, and unload it below the south jetty.

Maybe it will work. But what if it doesn't?

Consider what happened on Assateague Island. 60 years ago, we constructed a jetty. It blocked the sand from replenishing the southern part of the island. Since then, the coastline has eroded about one-half mile.

Another thing. We'll alter the natural flow of water through what is now a broad, relatively shallow inlet leading to Albermarle and Pamlico Sounds. The Sounds contain important and productive habitats for several species of fish, including Spanish mackerel, Atlantic croaker, and gray trout.

These fish spawn at sea. The larval fish then migrate into the calm waters of the sounds where they grow until they're strong enough to return to the ocean.

It is not at all clear that these fish will be able to make it through the jetties. The fishery biologists just aren't sure.

So we are taking major environmental risks.

The third major fault is that the economics don't add up.

True, the Corps projects an economic benefit, of about $37 million over a 50 year period.

However, as we all know, the Corps' economic analysis has come under heavy criticism lately.

In any event, many people have questioned the Corps' estimate of the cost and benefits of this project

I am not talking about environmental groups, which, it might be argued, have their own agenda.

I am talking about Taxpayers for Common Sense, and several distinguished economists who have studied the project.

For example, Professor Richard Seldon, who I understand is a distinguished professor emiritus at the University of Virginia, said this:

> My extremely conservative analysis of the Corps' data found that rather than the almost $37 million of net benefits claimed for the project by the Corps . . . this project will have negative benefits of [more than $4 million]. In fact, I believe the project is very likely to have a much worse return on investment based on many costs thus far not accounted for by the Corps.

In a letter sent to Senator HELMS a few days ago, Professor Emeritus Seldon said.

> I am convinced that these jetties should not be built—not for environmental reasons but simply because the benefits claimed by the Corps are nowhere near as large as the likely cost to taxpayers. This is a bad economic deal, even if we forget about the environment.

The fourth fault is that I believe there's a better way.

Let me say again that I understand the frustration that Senator HELMS and others in North Carolina feel about this project.

They have serious concerns. One is safety. Again, these are treacherous waters.

Another is economic development. As I understand it, this is an area that could use the economic boost that increased fish landings might provide.

I'm not going to stand here and say that environmental concerns should prevail over safety and economic development. Not a all.

I don't buy that, whether we're talking about Montana, North Carolina, or anyplace else. We have to strike a balance.

But here is the rub. There may be a better way.

We may be able to achieve all the benefits that would be achieved by constructing the jetties, and do it much more cheaply and without the environmental risks.

Here is how. By dredging a better channel.

We could direct the Corps to dredge the Inlet deeper and more often.

But there is a problem. In the most recent EIs the Corps has studied only one non-structural alternative. One that would have more than doubled this width of the channel. It's no surprise that the costs out-weighed the benefits. So, for at least 30 years, we haven't fully considered whether there's a better alternative to the jetty system.

In addition there are many more factors to consider—environmental, recreational, and so forth—then there were in 1970.

That brings me to my amendment.

It deletes the provision in the bill that transfers the land, thereby circumventing the permitting process.

Instead, the amendment requires that, within 180 days the Corps, must evaluate alternatives to the jetty project, including dredging.

In doing so, the Corps must consider the views of affected interests, must consider how various alternatives accord with North Carolina's shoreline protection laws, and must minimize adverse environmental effects.

Mr. President, pulling this all together, we need to do more to improve safety at Oregon Inlet.

But the jetty system that we authorized in 1970 is an idea whose time has probably gone.

We do not need 3 miles of granite rock jetties. We don't need 2 miles of pipeline, to pump 2 million cubic feet of sand every year.

We do not need huge environmental risks.

We don't need to ask taxpayers to fork over $108 million.

Instead, we should step back, take stock, and see whether we can solve the problems at Oregon Inlet in a way that avoids big environmental risks and saves taxpayers' money.

Therefore, I urge colleagues to support my amendment.

I ask unanimous consent a statement of administration policy by the Executive Office of the President, Office of Management and Budget listing the Administration's strong objection to the underlying provision in the bill be printed in the RECORD.

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

STATEMENT OF ADMINISTRATION POLICY

S. 2536—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL, FY 2001—(SPONSOR: STEVENS (R) AK)

This Statement of Administration Policy provides the Administration's views on the FY 2001 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Bill, as reported by the Senate Appropriations Committee. Your consideration of the Administration's views would be appreciated.

The President's FY 2001 budget is based on a balanced approach that maintains fiscal discipline, eliminates the national debt, extends the solvency of Social Security and Medicare, provides for an appropriately sized tax cut, establishes a new voluntary Medicare prescription drug benefit in the context of broader reforms, expands health care coverage to more families, and funds critical investments for our future. An essential element of this approach is ensuring adequate funding for discretionary programs. To this end, the President has proposed discretionary spending limits at levels that we believe are necessary to serve the American people.

Unfortunately, the FY 2001 congressional budget resolution provides inadequate resources for discretionary investments. We need realistic levels of funding for critical government functions that the American people expect their government to perform well, including education, national security, law enforcement, environmental protection, preservation of our global leadership, air safety, food safety, economic assistance for the less fortunate, research and technology, and the administration of Social Security and Medicare. Based on the inadequate budget resolution, this bill fails to address critical needs of the American people.

The bill includes inadequate funding for food safety, conservation and environmental programs, farm loans, bioterrorism, agricultural research through competitive grants and other important programs. In addition, there are a number of objectionable language provisions in the Committee bill.

It is our understanding that a substitute will be offered to the supplemental title of the bill that will include a number of highly objectionable environmental and other riders, including a provision to facilitate construction of the Oregon Inlet jetties prior to completion of a pending environmental impact statement, restrictions that would attempt to weaken pending hardrock mining regulations, and other objectionable provisions. The Administration opposes the bill in its current form. If such riders are included in the bill, the President's senior advisers would recommend that he veto the bill.

FY 2000 SUPPLEMENTAL APPROPRIATIONS CONTAINED IN THIS BILL

Objectionable Legislative Riders—The Administration opposes the environmental and other authorization provisions contained in the bill, which are inappropriate for inclusion in an appropriations act. Such riders rarely receive the level of congressional and public review required of authorization language, and they often override existing environmental protections or impose unjustified micro-management restrictions on agency activities.

More detailed views will be provided when the text of the substitute is made available. Therefore, the views expressed here are necessarily preliminary.

Oregon Inlet (NC) Jetties.—The Administration strongly opposes the provision to remove lands from the Cape Hatteras National Seashore and the Pea Island National Wildlife Refuge, prior to completion of a pending environmental impact statement (EIS) on proposals to maintain navigation through Oregon Inlet, N.C. This rider would undermine the EIS process by selecting one option—the construction of a dual jetty and sand transfer system—before a decision on alternatives can be made. There remain significant questions about the long-term environmental impacts and the economic justifications of the dual jetty option, and those questions need to be answered before considering any legislation to remove land from a national park and a national wildlife refuge.

Restrictions on Hardrock Mining Regulations.—The Administration strongly objects to the bill's attempt to weaken pending final regulations on the management of hardrock mining on public lands. These overdue regulations are needed to address the major changes in technology and mining industry practices since the regulations were last updated in 1980. The proposed rider would also attempt to reopen an agreement reached in negotiations on the FY 2000 Interior and Related Agencies Appropriations bill to allow the final rule to go forward, as long as it was ''not inconsistent'' with the recommendations of a recent National Research Council (NRC) report. The rider would now attempt to limit the rule to only a specific subset of the NRC report's recommendations. By doing so, the rider could hinder the effective regulation of industry practices (such as large-scale cyanide leaching for gold on public lands) that have become increasingly prevalent over the past 20 years.

Community Builders, Sec. 2602.—The Administration urges deletion of the highly objectionable, micro-management language in Section 2602, which would prohibit the Department of Housing and Urban Development from hiring replacement staff for 350 community builder positions.

* * * * *

Mr. BAUCUS. In addition, I ask that a letter from the organization Taxpayers For Common Sense be printed in the RECORD. It is very much opposed to the underlying provision and in favor of this amendment, as well as a statement by Dr. Seldon, a very respected economist who studied this issue extensively.

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

JULY 20, 2000.

Re Baucus substitute amendment on Oregon Inlet

Hon. MAX BAUCUS,
U.S. Senate, Washington, DC.

DEAR SENATOR BAUCUS: Taxpayers for Common Sense Action thank you for your leadership in opposing the anti-taxpayer Oregon Inlet rider that Senator HELMS added to the Agriculture Appropriations bill. TCS Action strongly supports your substitute amendment to provide for an expedited Corps of Engineers/Interior Department study of cheaper alternatives. In addition, TCS supports commitment of a few million dollars for improved interim dredging. TCS Action will likely score the vote on this Baucus amendment on TCS Action's annual Common Sense Taxpayer Scorecard.

As you know, the Oregon Inlet rider would transfer federally-protected land from the Department of Interior to the Corps of Engineers, thereby removing one of he last remaining obstacles to construction of twin mile-long stone jetties at a cost of $108 million. Anyone who has ever been to the Cape Hatteras National Seashore on North Carolina's famed Outer Banks understands intuitively that the Oregon Inlet project would be a massive waste of taxpayer money. Moreover, six major newspapers in North Carolina have editorialized against the project. Typically, the Raleigh (NC) News and Observer editorialized May 12:

''Decisions on the jetties properly have to be made on the merits of arguments for and against them, not because lawmakers have been intimidated by a tactic such as the one Helms is attempting. And on those merits, despite supporter' good intentions, the jetties shape up as an extraordinary boondoggle.''

The anti-taxpayer rider is strongly opposed by a broad coalition. Meanwhile, a 1999 independent review of the Corps' benefit-cost analysis by Dr. Richard Selden of the University of Virginia on behalf of the U.S. Fish and Wildlife Service demonstrated the project's benefits do not outweigh the costs. The project will provide a $500,000 federal subsidy for each of 215 charter or commercial fishing boats that will purportedly benefit. Instead, routine channel dredging has worked for the last 30 years. Surely, it is reasonable to study all alternatives to the Oregon Inlet project before giving the green

light to this massive waste of taxpayer money opposed by the last five administrations.

Thank you again for your leadership to propose a reasonable compromise solution on this issue.

Sincerely,

RALPH DEGENNARO,
President & CEO.

JULY 16, 2000.

Hon. JESSE HELMS,
Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR HELMS: I write you as a staunch Republican and a conservative economist who got his Ph.D. under Milton Friedman at the University of Chicago. I am definitely not a ''tree hugger.'' I have never belonged to the Sierra Club or any other activist environmental group.

I am writing because I'm concerned about your support for the Corps of Engineers' proposal to build jetties at Oregon Inlet. I know you have declared yourself in favor of this project on many occasions, extending over many years, and I can see the practical difficulty of withdrawing your support at this juncture. Nevertheless, I am convinced that these jetties should not be built—not for environmental reasons but simply because the benefits claimed by the Corps are nowhere near as large as the likely cost to taxpayers. This is a bad economic deal, even if we forget about the environment.

You may wonder whether there is a valid basis for my strong negative opinion of the Corps' proposal. Last summer I did a benefit/cost analysis of the proposal as a private consultant hired by the U.S. Fish and Wildlife Service. (You may wonder about the objectivity of a study that was commissioned by an agency that opposes the jetties. All I can say is that I examined a ton of material on the proposal, and I tried to apply accepted economic analysis to *all* of it, regardless of the source.) My findings were clearcut and unambiguous: there is no way these jetties can pass a standard benefit/cost test.

You may also wonder whether my conclusions would be accepted by most other fair-minded economists. I would be glad to have my work scrutinized by a neutral panel (assuming one could be found!). But I can assure you with complete confidence that the benefit/cost analysis provided by the Corps is full of flaws and would be accepted as valid by few if any professional economists. This simply is not an appropriate basis for committing over $100 million of taxpayer money! At the very least the Corps should be required to submit its analysis to some outside panel for a thorough critique before they get a green light on this one.

By US Postal Service I am mailing you a copy of my August 1999 report, and I will welcome reactions from you or your staff.

Sincerely,

RICHARD T. SELDEN, Ph.D.

Mr. BAUCUS. Finally, I underline my appreciation for the hard work of both Senators from North Carolina, Mr. HELMS, as well as Mr. EDWARDS. This has been a very contentious issue. But as a consequence of the mutual hard work, this amendment can be accepted by voice vote.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent it be in order for me to deliver my remarks in a seated position.

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

Mr. HELMS. Mr. President, I am grateful for the willingness of the Senator from Montana to work with us, to make certain the stabilization of Oregon Inlet is once more a priority of Congress and of the U.S. Corps of Engineers—in the next 180 days.

I confess some unease at the prospect of yet another study of the Oregon Inlet, inasmuch as there already have been almost 100 such studies previously. If one more study is what is required to save the livelihoods of the good people of Oregon Inlet who make their livings as commercial fishermen, then so be it. But let there be no mistake. This is the last study that will be conducted before action is taken. That is agreed to by the Senator from Montana and me—to help those good people, because enough, Mr. President, is enough.

I will work in good faith with the Senator from Montana and others to make certain that swift action will follow this latest, and I hope last, study to be undertaken.

Mr. President, for nearly three decades—nearly 28 years, to be exact—I have been urging the enactment of legislation to restore security and safety to the remarkable people who live and work on North Carolinas Outer Banks.

And for those almost three decades, those fine people have been short-circuited by a federal bureaucracy more intent in imposing its own will than following through on a much-needed project authorized by Congress in 1970: That is, to begin the process of creating two hard-rock jetties to stabilize and secure Oregon Inlet, the only deep-sea access along the East Coast for a distance of 220 miles between Cape Henry, Virginia, and Morehead City, N.C.

The purpose of the provision being challenged here tonight is to first, protect the lives of literally thousands of both commercial and recreational fishermen who live and work in the Outer Banks, and second, to protect the livelihoods of those fishermen, their boats and their cargo, which is so vital to their making a living.

So let's be clear about what's at stake in this debate. We're talking about saving lives and saving a way of life for many of thousands of fine decent people trying to make a living providing fine, fresh seafood.

Wayne Gray, a Coast Guard officer stationed at the base there told me, ''Oregon Inlet is a nightmare. In my 32 years in the Coast Guard, it's the most dangerous place I've ever seen.''

The Coast Guard station there receives on average a distress call every other day. In this fiscal year alone, the Oregon Inlet Coast Guard has responded to nearly 100 call for help by distressed seamen. There will be many more this summer, I'll promise you: There always are.

Over the years, more than 20 lives have been lost because of the deadly situation in the Inlet. In fact, I recently received a letter from a man named Robbie Maharaj who recounted an incident which happened about 4 years ago.

In November of 1996 a friend and I were fishing on the northern side of the ocean bar at Oregon Inlet. It was a fairly rough day at the bar.

We had caught out limit of striped bass and were pulling in our lines when I heard on the radio that some of my friends had gone down. I immediately finished pulling up my lines and went to help.

As I pulled up to the boat, I was able to get one man aboard. We laid him on the deck. He was so cold from being in the water that he looked pale, and almost dead. As we got him on deck, water began to break over the stern of my boat. I had to leave the scene to avoid going down myself.

All in all, four of the five men in the water made it. I was able to get two in my boat. Other fishermen pulled out the two other survivors. the Coast Guard got the one man that didn't make it.

People ask me all the time whether I would do it again. There's no question that I would try and pull men out of the water if I were faced with the same situation again. It's sort of a buddy system out there. You hear cries for help and you can't leave them there. You've got to try to help. This is especially true when the people yelling for help are friends. Who knows, the next time it could be me yelling to be saved.

Thanks to the events of 1996, I know just how dangerous Oregon Inlet can be. Senator, thank you for trying to get the stabilization effort moving. We really need it.

The provision in question merely transfers the land relevant to the project from the Department of the Interior to the Army Corps of Engineers, so that the wheels of the inlet stabilization project can finally begin. This project is sound. Almost one hundred separate studies have been made on the project; therefore, we can reasonably say that just about every possible issue relevant to the project has been thoroughly considered and resolved.

On an economic scale, the project has a cost/benefit ratio of 1.0/1.6, meaning for every $1 spent on the project, $1.60 in benefits are returned.

As for the environmental concerns that have been raised, the Corps has made numerous compromises and alterations to the jetties in order to alleviate every single negative impact upon the local habitat and wildlife.

How many more lives will be lost before Congress makes good on the commitment made 30 years ago. That time has finally come.

The PRESIDING OFFICER. Is there further debate on the amendment? The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to announce to all Senators we are only 2 or 3 minutes away from getting a managers' package of amendments to wrap up the final consideration of this bill. We also have some colloquies and statements that Senators have presented to us during the

final stages of the consideration of the bill we are now reviewing and processing. I expect to be able to present for unanimous consent agreement, for inclusion in the RECORD, these statements and colloquies.

We know of no other amendments that are to be offered.

May I ask the Chair, what is the pending business?

Mr. HARKIN. Mr. President, can we have a vote on the amendment, please?

The PRESIDING OFFICER. The amendment of the Senator from Montana has not yet been disposed of.

Mr. HARKIN. I thank the Chair.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3981) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, for the information of Senators, we have been awaiting word from the minority staff of the subcommittee to clear the managers' package. We have cleared the managers' package on this side of the aisle. We have statements and colloquies relating to the managers' package, and I will momentarily send up all of the amendments and the statements and colloquies related thereto.

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. COCHRAN. I will be happy to yield to the Senator.

Mr. BYRD. Mr. President, I wonder if we can have a voice vote on final passage.

Mr. COCHRAN. Mr. President, I have no objection to passing the bill on a voice vote.

AMENDMENTS NOS. 3982 THROUGH 4014, EN BLOC

Mr. President, I now have an indication that the managers' package has been cleared. I send the managers' package of amendments to the desk and ask that they be reported en bloc and considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for himself and Mr. KOHL, proposes amendments numbered 3982 through 4014, en bloc.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

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

The amendments are as follows:

AMENDMENT NO. 3982

(Purpose: To provide for a Animal and Plant Health Services wildlife services methods development study)

On page 20, line 8, strike the ''.'' and insert in lieu thereof the following:

'': *Provided further*, That not less than $1 million of the funds available under this heading made available for wildlife services methods development, the Secretary of Agriculture shall conduct pilot projects in no less than four states representative of wildlife predation of livestock in connection with farming operations for direct assistance in the application of non-lethal predation control methods: *Provided further*, That the General Accounting Office shall report to the Committee on Appropriations by November 30, 2001, on the Department's compliance with this provision and on the effectiveness of the non-lethal measures.''.

Mr. SMITH of New Hampshire. Mr. President, I am pleased that the Smith-Boxer amendment on Wildlife Services was accepted to the Agriculture appropriations bill.

Our amendment will create a pilot study in four States that will examine the effectiveness of nonlethal predation control methods under Wildlife Services. Our amendment is reasonable and fair.

Let me briefly talk about the lethal predator control program administered under the Wildlife Service program.

With our scarce tax dollars, Wildlife Services personnel kill more than 80,000 mammalian predators a year, mainly coyotes, but also black bears, mountain lions, foxes, and bobcats.

They conduct this killing by engaging in aerial gunning, poisoning, and trapping.

Since 1993, there have been 18 aerial gunning crashes. In addition, the aerial gunning program has caused the deaths of seven individuals, both Federal and contract employees.

Banned in 89 nations because it is so inhumane, leghold traps catch any animal unlucky enough to trigger the device. Animals caught in traps languish and suffer for days, sometimes resorting to twisting off or chewing off a leg to escape its vice grip.

I am not standing before you today saying that every program that Wildlife Services executes is harmful or a waste of taxpayer money.

There are some valuable programs dealing with property protection, human health and safety, crop protection, natural resources, forest and range protection, and aquiculture which are not affected by this amendment.

However, Wildlife Services spends more than $10 million a year on lethal predator control programs.

But does the lethal predator control program really work? It does not seem to be controlling the coyote population, it has tripled in number and increased in range because the surviving coyotes will breed more often and produce larger litters.

In fact, according to a recent article in the Washington Times, coyotes have now spread to Virginia and Maryland.

In addition, this program has been under scrutiny for decades. Several presidential commissions, including commissions in the Kennedy, Johnson, and Carter administrations have criticized the program's needless reliance on lethal predator control.

In 1995, the General Accounting Office came to the same conclusion, stating the Animal Damage Control had failed to opt for non-lethal programs.

I am well aware that ranchers need to protect their livestock, their investment. During the last 2 decades, there have been a variety of practical and effective nonlethal husbandry techniques developed and put into practical use: The use of guard animals, such as dogs, donkeys, or llamas; the use of electronic sound and light devices; predator exclusion fencing; shed lambing; and night penning, et cetera.

By deploying these techniques, ranchers can minimize the need for lethal responses to predators, which are indiscriminant and cruel to animals.

In closing I would like to read you a quote from the Tulsa World newspaper, which says it all:

Despite steady increases in the Wildlife Services annual budget, and an 8 percent increase in the coyote kill in the past decade, livestock losses to predators have not declined. The statistics show that in every state where predator control was practiced, the agency spent more money on control than the value of livestock lost. It would be cheaper simply to compensate ranchers for their losses.

I will repeat that last sentence: ''It would be cheaper simply to compensate ranchers for their losses.''

In short, the lethal predator control program doesn't work, it is dangerous for humans, cruel to animals, and a waste of taxpayer dollars.

I thank the managers of the bill for including this pilot study of nonlethal predator control methods in the Agriculture appropriations bill.

Mrs. BOXER. Mr. President, I thank the managers for their assistance in adding an amendment to the Agriculture Appropriations bill that requires the U.S. Department of Agriculture's Wildlife Services Research Center to design and implement on-the-ground demonstration projects to test the application of non-lethal mammalian predator control techniques.

The purpose of this amendment is to generate data that can be used in determining the effectiveness of non-lethal methods for protecting livestock from predators. These nonlethal methods include: the use of guard animals such as dogs, donkeys, and llamas; the use of predator-proof electric fencing;

special light and sound deterrents; and promotion of sound animal husbandry techniques such as carcass removal, night penning, and shed lambing to protect pregnant animals and their newborns when they are most vulnerable.

Lethal predator control measures, such as shooting, poisoning, or trapping, should not be employed in these projects. In order to produce useful outcomes, the pilot projects should involve ranchers whose circumstances are representative of the types of livestock/predator conflicts that other ranchers experience around the country.

The General Accounting Office has been tasked with reporting on these pilot projects and providing an assessment of the effectiveness of these nonlethal mammalian predator control measures. I look forward to working with the Department, along with Senator SMITH and my other colleagues, to ensure that this program gets underway quickly and smoothly to begin demonstrating the value of these nonlethal predator control methods.

AMENDMENT NO. 3983

(Purpose: To amend the Organic Foods Production Act of 1990)

At the appropriate place in the bill, insert the following:

''SEC. . Section 2111(a)(3) of the Organic Foods Production Act of 1990 (7 U.S.C. 651(a)(3)) is amended by adding after sulfites, 'except in the production of wine,'.''.

AMENDMENT NO. 3984

(Purpose: To prohibit the use of appropriated funds to require offices of the Farm Services Agency to discontinue use of FINPACK for financial planning and credit analysis)

On page 75, after line 16 insert the following:

''SEC. . None of the funds made available by this Act may be used to require an office of the Farm Service Agency that is using FINPACK on May 17, 1999, for financial planning and credit analysis, to discontinue use of FINPACK for six months from the date of enactment of this Act.''

AMENDMENT NO. 3985

(Purpose: Expands eligibility for Rural Development Community Facilities program)

On page 93 of division B, as modified, after line 21, insert the following:

''SEC. . Notwithstanding any other provision of law, the Sea Island Health Clinic located on Johns Island, South Carolina, shall remain eligible for assistance and funding from the Rural Development community facilities programs administered by the Department of Agriculture until such time new population data is available from the 2000 Census.''.

AMENDMENT NO. 3986

(Purpose: To provide funds for a study on flood plain management for the Pocasset River, Rhode Island)

On page 34, line 23, before the period at the end, insert the following: '': *Provided further*, That of the funds made available for watershed and flood prevention activities, $500,000 shall be available for a study to be conducted by the Natural Resources Conservation Service in cooperation with the town of Johnston, Rhode Island, on floodplain management for the Pocasset River, Rhode Island''.

AMENDMENT NO. 3987

(Purpose: To allocate funding made available by this Act for loans and grants to federally recognized Indian tribes under the rural community advance program under the Consolidated Farm and Rural Development Act)

On page 36, lines 20 through 25, Strike ''including grants for drinking and waste disposal systems pursuant to Section 306C of such Act: *Provided further*, That the Federally Recognized Native American Tribes are not eligible for any other rural utilities program set aside under the Rural Community Advancement Program:'' and insert ''of which (1) $1,000,000 shall be available for rural business opportunity grants under section 306(a)(11) of that Act (7 U.S.C. 1926(a)(11)), (2) $5,000,000 shall be available for community facilities grants for tribal college improvements under section 306(a)(19) of that Act (7 U.S.C. 1926(a)19)), (3) $15,000,000 shall be available for grants for drinking water and waste disposal systems under section 306C of that Act (7 U.S.C. 1926c) to federally recognized Native American Tribes that are not eligible to receive funds under any other rural utilities program set-aside under the rural community advancement program, and (4) $3,000,000 shall be available for rural business enterprise grants under section 310B(c) of that Act (7 U.S.C. 1932(c)):''.

AMENDMENT NO. 3988

(Purpose: To provide for a pasture recovery program)

On page 84, line 23, after ''section'', insert the following: '': *Provided further*, That of the funds made available by this section, up to $40,000,000 may be used to carry out the Pasture Recovery Program: *Provided further*, That the payments to a producer made available through the Pasture Recovery Program shall be no less than 65 percent of the average cost of reseeding''.

AMENDMENT NO. 3989

(Purpose: To prohibit the use of any funding to recover payments erroneously made to oyster fishermen in the State of Connecticut)

On page 95, after line 22, add the following new section:

SEC. . None of the funds made available in this Act or in any other Act may be used to recover part or all of any payment erroneously made to any oyster fisherman in the State of Connecticut for oyster losses under the program established under section 1102(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)), and the regulations issued pursuant to such section 1102(b).

AMENDMENT NO. 3990

(Purpose: To provide support for creative anti-hunger initiatives in the USDA ranked number one hunger state)

On page 17, line 1 strike ''; and'' and insert ''; and for the Oregon State University Agriculture Extension Service, $176,000 for the Food Electronically and Effectively Distributed (FEED) website demonstration project; and''; line 8, strike ''$12,107,000'' and insert ''$12,283,000'' and strike ''$426,505,000'' and insert ''$426,680,000''; on line 19, strike ''$43,541,000'' and insert ''$43,365,000''; on line 25, strike ''6,000,000'' and insert ''$5,824,000''.

Mr. WYDEN. Mr. President, I thank Senator COCHRAN and Senator KOHL for accepting this important amendment to S. 2536, the Agriculture appropriations bill for fiscal year 2001.

According to the USDA, Oregon ranks first in hunger and seventh in food insecurity in the nation. This amendment will fund, at $176,000, a demonstration project pairing technology and teamwork: The Food Electronically and Effectively Distributed FEED Website Demonstration Project.

As the only state in the nation with a statewide food bank system in place, the Oregon Food Bank, as well as an organized and active agricultural community, Oregon is prepared to develop and use the FEED website to provide a national model for other states interested in pursuing an organized statewide anti-hunger campaign.

Developed and used in conjunction with Oregon food producers, processors, distributors, transporters, and anti-hunger agents, as well as the UDA and state agriculture extension agents the FEED website will transform the current anti-hunger food distribution network by using the power of Internet technology to support and facilitate real-time communication links between those with food, those who need food and those who can transport food.

The FEED website will also provide a forum for sharing information about innovative anti-hunger efforts, both legislative and organizational, as well as links to other existing government, non-profit, and anti-hunger web sites to increase information sharing between active organizations and people in need.

AMENDMENT NO. 3991

(Purpose: To increase the Section 502 Guaranteed Rural Housing income limits)

At the appropriate place in the bill, insert the following:

''SEC. . Hereafter, the Secretary of Agriculture shall consider any borrower whose income does not exceed 115 percent of the median family income of the United States as meeting the eligibility requirements for a borrower contained in section 502(h)(2) of the Housing Act of 1949 (42 U.S.C. 1472(h)(2)).

AMENDMENT NO. 3992

In Division B, strike section 1106 and insert the following new section:

SEC. 1106. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation to make and administer supplemental payments to dairy producers who received a payment under section 805 of Public Law 106–78 in an amount equal to thirty-five percent of the reduction in market value of milk production in 2000, as determined by the Secretary, based on price estimates as of the date of enactment of this Act, from the previous five-year average and on the base production of the producer used to make a payment under section

805 of Public Law 106–78: *Provided*, That these funds shall be available until September 30, 2001: *Provided further*, That the Secretary shall make payments to producers under this section in a manner consistent with and subject to the same limitations on payments and eligible production as, the payments to dairy producers under section 805 of Public Law 106–78: *Provided further*, That the Secretary shall make provisions for making payments, in addition, to new producers: *Provided further*, That for any producers, including new producers, whose base production was less than twelve months for purposes of section 805 of Public Law 106–78, the producer's base production for the purposes of payments under this section may be, at the producer's option, the production of that producer in the twelve months preceding the enactment of this section or the producer's base production under the program operated under section 805 of Public Law 106–78 subject to such limitations as apply to other producers: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.''

AMENDMENT NO. 3993

(Purpose: To authorize the Secretary of Agriculture to provide emergency loans to poultry producers to rebuild chicken houses destroyed by disasters)

At the appropriate place in the bill, insert the following:

SEC. .—Section 321(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(b)) is amended by adding at the end the following:

''(3) LOANS TO POULTRY FARMERS.—

''(A) INABILITY TO OBTAIN INSURANCE.—

''(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer did not have hazard insurance at the time of the loss, if the farmer—

''(I) applied for, but was unable, to obtain hazard insurance for the chicken house;

''(II) uses the loan to rebuild the chicken house in accordance with industry standards in effect on the date the farmer submits an application for the loan (referred to in this paragraph as 'current industry standards');

''(III) obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

''(IV) meets the other requirements for the loan under this subtitle.

''(ii) AMOUNT.—Subject to the limitation contained in §324(a)(2) the amount of a loan made to a poultry farmer under clause (i) shall be an amount that will allow the farmer to rebuild the chicken house in accordance with current industry standards.

''(B) LOANS TO COMPLY WITH CURRENT INDUSTRY STANDARDS.—

''(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer had hazard insurance at the time of the loss, if—

''(I) the amount of the hazard insurance is less than the cost of rebuilding the chicken house in accordance with current industry standards;

''(II) the farmer uses the loan to rebuild the chicken house in accordance with current industry standards;

''(III) the farmer obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

''(IV) the farmer meets the other requirements for the loan under this subtitle.

''(ii) AMOUNT.—Subject to the limitation contained in §324(a)(2) the amount of a loan made to a poultry farmer under clause (i) shall be the difference between—

''(I) the amount of the hazard insurance obtained by the farmer; and

''(II) the cost of rebuilding the chicken house in accordance with current industry standards.''.

AMENDMENT NO. 3994

(Purpose: To express the sense of the Senate regarding preference for assistance for victims of domestic violence)

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING PREFERENCE FOR ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.

It is the sense of the Senate that the Secretary of Agriculture, in selecting public agencies and nonprofit organizations to provide transitional housing under section 592(c) of subtitle G of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11408a(c)), should consider preferences for agencies and organizations that provide transitional housing for individuals and families who are homeless as a result of domestic violence.

AMENDMENT NO. 3995

(Purpose: To allocate appropriated funds for early detection and treatment concerning childhood lead poisoning at sites participating in the special supplemental nutrition program for women, infants, and children)

On page 50, line 6, before the period, insert the following: '': *Provided further*, That funds made available under this heading shall be made available for sites participating in the special supplemental nutrition program for women, infants, and children to—

''(1) determine whether a child eligible to participate in the program has received a blood lead screening test, using a test that is appropriate for age and risk factors, upon the enrollment of the child in the program;

AMENDMENT NO. 3996

(Purpose: To increase funding for the Office of Generic Drugs in order to accelerate the review of generic drug applications)

On page 56, line 9, strike ''$313,143,000'' and insert ''$315,143,000''.

On page 57, line 2, strike ''$78,589,000'' and insert ''$76,589,000''.

AMENDMENT NO. 3997

(Purpose: To provide funds for the cleanup of methamphetamine labs by State and local law enforcement)

On page 96 the modified division B after line 2, insert the following:

DRUG ENFORCEMENT ADMINISTRATION
(DOMESTIC ENHANCEMENTS)

METHAMPHETAMINE LAB CLEANUP ASSISTANCE FOR STATE AND LOCAL LAW ENFORCEMENT

For an additional amount for drug enforcement administration, $5,000,000 for the Drug Enforcement Agency to assist in State and local methamphetamine lab cleanup (including reimbursement for costs incurred by State and local governments for lab cleanup since March 2000):*Provided*, That the entire amount shall be available only to the extent an official budget request for $5,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT NO. 3998

On page 4, line 12, before the period at the end of the line, insert '': *Provided*, That the Chief Financial Officer shall actively market cross-serving activities of the National Finance Center''.

AMENDMENT NO. 3999

(Purpose: To fund biomass-based energy research)

On page 13, line 13, strike ''$62,207,000'' and insert in lieu thereof ''$63,157,000''.

On page 13, line 16, strike ''$121,350,000'' and insert in lieu thereof ''$120,400,000''.

Mr. NICKLES. Mr. President, I wish to thank Senators COCHRAN and HARKIN for their assistance in getting this proposal included in the Agriculture Appropriations bill for FY 2001. The biomass program is a collaborative effort between Oklahoma State University and Mississippi State University.

We are now 56 percent dependent on foreign oil. It is projected that by 2020 we will be more than 65 percent dependent on oil from foreign nations. Such dependency is a major threat to our national security. We need to make every effort possible to reduce and curb this dependency. This program will aid us in this effort.

The effort between these two universities will focus on the continued development of a unique gasification-bioconversion process at OSU that utilizes biomass including crop residues, underutilized grasses, and plant byproducts.

Those conducting the research consist of a senior team of nationally recognized experts in biomass production, feedstock harvesting and processing of technologies, environmental impact assessment, and biochemical process.

I ask my colleagues for their support of this unique opportunity for Oklahoma, Mississippi and for the nation.

AMENDMENT NO. 4000

(Purpose: To provide fiscal year 2000 supplemental contingent emergency funding to the Department of the Treasury for the Customs Service Automated Commercial System)

On page 93 of division B, as modified, after line 21, insert the following:

''GENERAL PROVISION—THIS TITLE

''SEC. . In addition to amounts appropriated or otherwise made available in Public Law 106–58 to the Department of the Treasury, Department-wide Systems and Capital Investments Programs, $123,000,000, to remain available until September 30, 2001,

for maintaining and operating the current Customs Service Automated Commercial System: *Provided*, That the funds shall not be obligated until the Customs Service has submitted to the Committees on Appropriations an expenditure plan which has been approved by the Treasury Investment Review Board, the Department of the Treasury, and the Office of Management and Budget: *Provided further*, That none of the funds may be obligated to change the functionality of the Automated Commercial System itself: *Provided further*, That the entire amount shall be available only to the extent that an official budget request for $123,000,000, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount made available under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.''.

Mr. CAMPBELL. Mr. President, I appreciate the Chairman and the Committee including $123,000,000 in emergency funding for the Customs Service Automated Commercial System, or ACS. The current legacy computer system of the Customs Service is in dire need of this emergency funding. This 16 year old system regularly experiences what is called ''brownouts'' or system-wide outages. When this system goes down, believe it or not, the Customs Service must process all entries by hand. These outages are only becoming more frequent and they are lasting longer and longer. You can imagine the delays at the border that this situation causes. For example, in an outage in March at the Buffalo port, a five-hour delay generated so much paper that the entry documents were piled so high Customs could not see their customers on the other side of the counter. Not only do these outages create long lines at the ports, but after the system is back up and running, Customs employees must then work overtime trying to enter all of the paper entries generated during the outage. Therefore, Mr. President, I am pleased that the Committee has included this funding to address this very serious issue.

AMENDMENT NO. 4001

(Purpose: To fully fund the Food and Drug Administration's food safety initiative activities)

On page 57, line 2, strike ''$78,589,000'' and insert ''$72,589,000''.

On page 57, line 10, insert before the period the following: '': *Provided further*, That in addition to amounts otherwise appropriated under this heading to the Food and Drug Administration, an additional $6,000,000 shall be made available of which $5,000,000 shall be made available for the Centers for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs, and $1,000,000 shall be made available to the National Center for Toxicological Research''.

Mr. KENNEDY. The American food supply is one of the safest in the world—but it is not safe enough. Over 75 million Americans a year are stricken by disease caused by contaminated food they eat. Each year, 9,000 people—mostly the very young and the very old—die as a result. The costs of medical treatment and losses in productivity for these illnesses are as high as $37 billion annually.

The emergence of highly virulent strains of bacteria, and the increase in the number of organisms resistant to antibiotics, are compounding these problems and making foodborne illnesses an increasingly serious public health challenge.

Americans deserve to know that the foods they eat are safe, regardless of their source. Yet too many citizens today are at unnecessary risk of foodborne disease. This Congress can make a difference. The FDA requested a budget increase of $30 million in 2001 for its Food Safety Initiative activities. With these additional funds, the FDA can improve its inspection of high-risk food establishments and strengthen its laboratory capabilities. Without this funding, the agency will conduct 700 fewer inspections next year. The Senate Appropriations Committee recognized the importance of protecting our food supply by granting the FDA the majority of its requested increase for food safety. The amendment I propose will give the FDA the additional $6 million it needs for these efforts.

In response to improved surveillance and increased sampling and testing, illnesses from the most common bacterial foodborne pathogens decreased by 21% from 1997 to 1999. As a result, 855,000 fewer Americans each year suffer from foodborne diseases. But contaminated food still remains a significant public health problem.

Recently, a new strain of an organism contaminated oysters in Texas, and caused an epidemic of diarrhea. This year, the FDA recalled several smoked fish products manufactured in New York because of outbreaks of disease. In March, 500 college students in Massachusetts became ill with Norwalk-like virus. Each year there are also at least 4700 cases of Salmonella in Massachusetts. We must do more to protect our citizens from foodborne diseases.

Imported foods are a significant part of the problem and often pose especially serious health risks. Americans are consuming foods from other countries at increasing rates. Since 1992, the number of food imports has tripled. At that time, the FDA was able to inspect only 8% of these imports. Since then the rate of FDA inspections of imported food has dropped to less than 1%, because resources did not increase for monitoring these imports.

Other countries have often not implemented food safety protections comparable to those in the United States, and general sanitary conditions are often poor. As a consequence, foods from such countries are more likely to be contaminated with disease-producing organisms. In 1995, 242 people contracted Salmonella from alfalfa sprouts imported from the Netherlands. In 1996, over 1,400 people became ill from contaminated raspberries from Guatemala. Just this year, infected shrimp from Vietnam caused Salmonella and E. coli outbreaks.

In earlier decades, diseases such as tuberculosis and cholera were the focus of food safety concerns. Today diseases caused by dangerous new strains of E. coli have become primary causes of foodborne illness. These new organisms necessitate increased investment in research, technology, and surveillance to protect the safety of our food supply.

Food safety are also especially important to protect the growing number of individuals in vulnerable populations, such as young children, the elderly, those with lowered immunity from HIV, and those with inadequate access to health care.

By providing the FDA with the necessary resources to combat foodborne diseases, we can protect tens of millions of our fellow citizens across the country each year. Investment in food safety is an investment in the health of every American. Congress should give the FDA the resources it needs in order to ensure the safety of the food we eat. The amendment I am proposing is a major step to meet this challenge, and I urge the Senate to approve it.

AMENDMENT NO. 4002

On page 71, line 3, strike the comma and insert the following: ''prior to July 1, 2001,''.

Mr. NICKLES. Mr. President, I rise to report on an agreement reached today between Senator INOUYE and myself regarding the Fort Reno Agriculture Research Station at El Reno, Oklahoma.

Our agreement delays any decision on the ARS until the next Administration. It also preserves the right of Congress to play a role in the future of the ARS. Our agreement ensures that any decision made about the research station will be made based on the merits of the work performed there rather than a decision based on November political considerations.

The agreement should not be read to mean that the research station will be eliminated, nor that the lands at Fort Reno should or will be returned to the Cheyenne-Arapaho tribe of Oklahoma.

I do not want the status of the Agriculture Research Station to be influenced by presidential politics, which has been the case in the past. This agreement will help prevent the future of the research station from becoming an election-year tool and better protect both the tribe and the research station from pressures surrounding the November election.

Mr. INOUYE. Mr. President, I agree with Senator NICKLES that Congress

should have oversight of this issue and that decisions made about the research station should be made based on the merits of the work performed there rather than political considerations.

If one day Fort Reno is declared surplus or excess property by USDA, I hope that the Cheyenne and Arapaho's interest in the land will be considered. I believe they have a legitimate case in their pursuit of that land, and I look forward to working further with Senator NICKLES on this issue.

AMENDMENT NO. 4003

(Purpose: To prohibit products that contain dry ultra-filtered milk products or casein from being labeled as domestic natural cheese, and for other purposes)

On page 75, between lines 16 and 17, insert the following:

SEC. 740. NATURAL CHEESE STANDARD.—(a) PROHIBITION.—Section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341) is amended—

(1) by striking ''Whenever'' and inserting ''(a) Whenever''; and

(2) by adding at the end the following:

''(b) The Commissioner may not use any Federal funds to amend section 133.3 of title 21, Code of Federal Regulations (or any corresponding similar regulation or ruling), to include dry ultra-filtered milk or casein in the definition of the term 'milk' or 'nonfat milk', as specified in the standards of identity for cheese and cheese products published at part 133 of title 21, Code of Federal Regulations (or any corresponding similar regulation or ruling).''.

(b) IMPORTATION STUDY.—Not later than ____ days after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study to determine—

(A) the quantity of ultra-filtered milk that is imported annually into the United States; and

(B) the end use of that imported milk; and

(2) submit to Congress a report that describes the results of the study.

AMENDMENT NO. 4004

On page 13, line 13, strike ''62,207,000'' and insert ''62,707,000''.

On page 13, line 16, strike ''121,350,000'' and insert in lieu thereof ''120,850,000''.

Mr. SESSIONS. Mr. President, this amendment will provide $500,000, for Satsuma Orange research at Auburn University in Alabama. These funds will be used to conduct research on developing technologies that reduce freeze damage, necessary for consistent production and industry expansion for the Satsuma Orange in the United States.

These funds will be used specifically for studies to reduce damage by fall and winter freezes suffered by the Satsuma Orange trees; studies evaluating micro sprinkler irrigation systems as a means of protecting the crop against freezes; evaluations for cold hardiness, cropping, harvest time, and fruit quality; and studies to determine critical temperatures that kill the crop and the factors that affect cold hardiness.

AMENDMENT NO. 4005

At the appropriate place in title VII insert the following: ''None of the funds appropriated by this act to the U.S. Department of Agriculture may be used to implement or administer the final rule issued in Docket Number 97–110, at 65 Federal Register 37608–37669 until such time as USDA completes an independent peer review of the rule and the risk assessment underlying the rule.''.

AMENDMENT NO. 4006

(Purpose: To require that any award entered into under the dairy export incentive program that is canceled or voided is made available for reassignment under the program)

On page 75, between lines 16 and 17, insert the following:

SEC. . DAIRY EXPORT INCENTIVE PROGRAM.—Section 153(c) of the Food Security Act of 1985 (15 U.S.C. 713a–14(c)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(5)(A) any award entered into under the program that is canceled or voided after June 30, 1995, is made available for reassignment under the program as long as a World Trade Organization violation is not incurred; and

''(B) any reassignment under subparagraph (A) is not reported as a new award when reporting the use of the reassigned tonnage to the World Trade Organization.'';

On page 36, line 9, strike ''749,284,000'' and insert in lieu thereof ''759,284,000''; on page 36, line 12, strike ''634,360,000'' and insert in lieu thereof ''644,360,000''.

AMENDMENT NO. 4007

(Purpose: To require the use of a certain amount of appropriated funds to carry out the Food Distribution on Indian Reservations)

On page 50, line 22, before the period, insert the following: '': *Provided further*, That, of funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b), (1) an additional amount not to exceed $7,300,000 shall be used to purchase bison for the FDPIR and to provide a mechanism for the purchases from Native American producers and cooperative organizations''.

AMENDMENT NO. 4008

On page 13, line 13, strike ''$62,207,000'' and insert ''$62,707,000''.

On page 13, line 16, strike ''$121,350,000'' and insert * * *

Mr. WARNER. Mr. President, the emerging field of bioinformatics uses information technology to analyze the billions of bits of data that create a human or plant genome. The research efforts at Virginia Tech will complement and support efforts by the Department to develop new bioinformatic tools, biological data bases, and other information management tools, which hold the promise of reinvigorating our rural communities through high-technology jobs in agri-biotechnology. This amendment provides $500,000 to support Virginia Polytechnic Institute's (VPI) Bioinformatics initiative.

AMENDMENT NO. 4009

(Purpose: To set aside funding for the distance learning and telemedicine program to promote employment of rural residents through teleworking)

On page 47, line 8, after ''areas,'', insert the following: ''of which not more than $3,000,000 may be used to make grants to rural entities to promote employment of rural residents through teleworking, including to provide employment-related services, such as outreach to employers, training, and job placement, and to pay expenses relating to providing high-speed communications services, and''.

AMENDMENT NO. 4010

(Purpose: To extend the authority of the Secretary of Agriculture to provide grants for State mediation programs dealing with agricultural issues)

On page 75, between lines 16 and 17, insert the following:

SEC. 740. STATE AGRICULTURAL MEDIATION PROGRAMS.—(a) ELIGIBLE PERSON; MEDIATION SERVICES.—Section 501 of the Agricultural Credit Act of 1987 (7 U.S.C. 5101) is amended—

(1) in subsection (c), by striking paragraphs (1) and (2) and inserting the following:

''(1) ISSUES COVERED.—

''(A) IN GENERAL.—To be certified as a qualifying State, the mediation program of the State must provide mediation services to persons described in paragraph (2) that are involved in agricultural loans (regardless of whether the loans are made or guaranteed by the Secretary or made by a third party).

''(B) OTHER ISSUES.—The mediation program of a qualifying State may provide mediation services to persons described in paragraph (2) that are involved in 1 or more of the following issues under the jurisdiction of the Department of Agriculture:

''(i) Wetlands determinations.

''(ii) Compliance with farm programs, including conservation programs.

''(iii) Agricultural credit.

''(iv) Rural water loan programs.

''(v) Grazing on National Forest System land.

''(vi) Pesticides.

''(vii) Such other issues as the Secretary considers appropriate.

''(2) PERSONS ELIGIBLE FOR MEDIATION.—The persons referred to in paragraph (1) include—

''(A) agricultural producers;

''(B) creditors of producers (as applicable); and

''(C) persons directly affected by actions of the Department of Agriculture.''; and

(2) by adding at the end the following:

''(d) DEFINITION OF MEDIATION SERVICES.—In this section, the term 'mediation services', with respect to mediation or a request for mediation, may include all activities related to—

''(1) the intake and scheduling of cases;

''(2) the provision of background and selected information regarding the mediation process;

''(3) financial advisory and counseling services (as appropriate) performed by a person other than a State mediation program mediator; and

''(4) the mediation session.''.

(b) USE OF MEDIATION GRANTS.—Section 502(c) of the Agricultural Credit Act of 1987 (7 U.S.C. 5102(c)) is amended—

(1) by striking ''Each'' and inserting the following:

''(1) IN GENERAL.—Each''; and

(2) by adding at the end the following:

''(2) OPERATION AND ADMINISTRATION EXPENSES.—For purposes of paragraph (1), operation and administration expenses for which a grant may be used include—

''(A) salaries;

''(B) reasonable fees and costs of mediators;

''(C) office rent and expenses, such as utilities and equipment rental;

''(D) office supplies;

''(E) administrative costs, such as workers' compensation, liability insurance, the employer's share of Social Security, and necessary travel;

''(F) education and training;

''(G) security systems necessary to ensure the confidentiality of mediation sessions and records of mediation sessions;

''(H) costs associated with publicity and promotion of the mediation program;

''(I) preparation of the parties for mediation; and

''(J) financial advisory and counseling services for parties requesting mediation.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking ''2000'' and inserting ''2005''.

AMENDMENT NO. 4011

(Purpose: To provide increased funding for the Extension farm safety program, including funding at a level of $3,055,000 for the AgrAbility project)

On page 13, line 16, strike $121,350,000 and insert ''$120,650,000''.

On page 15, line 2, strike $494,744,000 and insert ''$494,044,000''.

On page 16, line 6, strike $3,400,000 and insert ''$4,100,000''.

On page 17, line 8, strike $426,504,000 and insert ''$427,204,000''.

AMENDMENT NO. 4012

(Purpose: To authorize the Secretary of Agriculture to provide equitable relief to an owner or operator that has entered into and violated a contract under the environmental conservation acreage reserve program if the owner or operator took actions in good faith reliance on the action or advice of an authorized representative of the Secretary)

On page 75, between lines 16 and 17, insert the following:

SEC. 740. GOOD FAITH RELIANCE.—The Food Security Act of 1985 is amended by inserting after section 1230 (16 U.S.C. 3830) the following:

''SEC. 1230A. GOOD FAITH RELIANCE.

''(a) IN GENERAL.—Except as provided in subsection (d) and notwithstanding any other provision of this chapter, the Secretary shall provide equitable relief to an owner or operator that has entered into a contract under this chapter, and that is subsequently determined to be in violation of the contract, if the owner or operator in attempting to comply with the terms of the contact and enrollment requirements took actions in good faith reliance on the action or advice of an authorized representative of the Secretary.

''(b) TYPES OF RELIEF.—The Secretary shall—

''(1) to the extent the Secretary determines that an owner or operator has been injured by good faith reliance described in subsection (a), allow the owner or operator to do any one or more of the following—

''(A) to retain payments received under the contract;

''(B) to continue to receive payments under the contract;

''(C) to keep all or part of the land covered by the contract enrolled in the applicable program under this chapter;

''(D) to reenroll all or part of the land covered by the contract in the applicable program under this chapter; or

''(E) or any other equitable relief the Secretary deems appropriate; and

''(2) require the owner or operator to take such actions as are necessary to remedy any failure to comply with the contract.

''(c) RELATION TO OTHER LAW.—The authority to provide relief under this section shall be in addition to any other authority provided in this or any other Act.

''(d) EXCEPTION.—This section shall not apply to a pattern of conduct in which an authorized representative of the Secretary takes actions or provides advice with respect to an owner or operator that the representative and the owner or operator know are inconsistent with applicable law (including regulations).''.

''(e) APPLICABILITY OF RELIEF.—Relief under this section shall be available for contracts in effect on January 1, 2000 and for all subsequent contracts.''.

AMENDMENT NO. 4013

(Purpose: To require the publication of data collected on imported herbs)

On page 89, after line 19, add the following:

SEC. 1111. AVAILABILITY OF DATA ON IMPORTED HERBS.—The Secretary of Agriculture and the Secretary of the Treasury, shall publish and otherwise make available (including through electronic media) data collected monthly by each Secretary on herbs imported into the United States.

AMENDMENT NO. 4014

(Purpose: To adjust the limitation to carry out research related to tobacco)

On page 15, line 6, before the period, insert: '': *Provided*, That this paragraph shall not apply to research on the medical, biotechnological, food, and industrial uses of tobacco''.

Mr. COCHRAN. Mr. President, I am prepared to be guided by the interest of the Senate. I have a list of the amendments which I am prepared to read if Senators would like. I can send the list to the desk and have it printed in the RECORD. I asked my staff if we read the list last year, and they said we did not. Maybe considering the mood of the Senate, I should not read the list.

Mr. McCAIN. Will the Senator yield?

Mr. COCHRAN. Yes.

Mr. McCAIN. Mr. President, can the Senator estimate how much total spending is in those amendments?

Mr. COCHRAN. I do not have an estimate. They are within the budget allocation of the committee. None of them will require a waiver. There are two amendments that are attached to this bill that are not within the jurisdiction of this subcommittee. One is related to methamphetamine laboratory cleanup which comes under Commerce-Justice, and another is related to Customs Service computer systems which comes under the Treasury, Postal Service, and General Government Subcommittee's jurisdiction.

Mr. McCAIN. I thank the Senator.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the managers' package be agreed to en bloc and the motion to reconsider be laid upon the table.

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

The amendments (Nos. 3982 through 4014), en bloc, were agreed to.

ARS RESEARCH PROJECT IN EAST LANSING, MI

Mr. LEVIN. Mr. President, we have before the Senate S. 2536, the Fiscal Year 2001 Appropriations Act for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies. I am concerned that this bill omits an appropriation included in the House version of this bill (H.R. 4461).

H.R. 4461 appropriates $309,600 for the Agriculture Research Service (ARS) to fund research addressing Postharvest Handling and Mechanization to Minimize Damage for Fruits. This research is vital, not only for Michigan, but for all fruit producing states.

This research has the potential to allow fruit growers to realize greater profits by better ensuring fruit quality. Given the significant potential of this program to assist fruit producers in my home state, I am troubled by its exclusion in S. 2536.

Mr. COCHRAN. I thank the Senator from Michigan for his comments. He is correct in stating that the House Appropriations Act for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for Fiscal Year 2001 funds research regarding Postharvest Handling and Mechanization to Minimize Damage for Fruits while the Senate counterpart does not.

Mr. LEVIN. I would appreciate the Senate conferees giving full consideration to the House position on this matter.

Mr. COCHRAN. I assure the Senator from Michigan that this specific request will be carefully considered in conference as I can understand how important this matter is.

FDA'S ADVERSE EVENT REPORTS

Mr. HATCH. Mr. Chairman, I strongly support an increase to the Food and Drug Administration's Adverse Event Monitoring System regarding dietary supplements. This would be administered by the FDA's Center for Food Safety and Applied Nutrition (CFSAN). This increase in FDA's Adverse Event Monitoring System for dietary supplements is an important component in the overall effort to implement fully the Dietary Supplement Health and Education Act.

Mr. HARKIN. I am proud to join my distinguished colleague, the Senior Senator from Utah, in supporting this endeavor. This proposed increase in FDA's Adverse Event Monitoring System for dietary supplements is an important component in the overall effort to implement fully the Dietary Supplement Health and Education Act. It also

continues our mutual efforts to promote better public health and consumer safety. The FDA monitors adverse events related to dietary supplements. The dietary supplement sales have doubled in the past five years. In fact, surveys indicate that nearly half of all Americans use some type of dietary supplement, spending over $12 billion annually for these products. FDA estimates that the industry markets approximately 29,000 of these products, which are sold under 75,000 distinct labels.

Mr. HATCH. Despite this phenomenal growth in the supplement industry, the FDA currently does not have the resources to process adverse event reports in a timely manner and with comprehensive information. As a result, a substantial backlog currently exists in reviewing adverse event reports in the dietary supplement area. However, we must assure that these funds for AERs are effectively spent. Accordingly, Mr. Chairman, I respectfully request that you work with Senator HARKIN and myself on this issue. More specifically, we request that the FDA be directed to assign additional personnel to maintain the timeliness and accuracy of the AER system for dietary supplements. In addition, Congress needs to be assured that all published reports are accompanied by the results of a scientific evaluation of the link between the product and the adverse event and evidence of timely prior notification of any manufacturer or distributor mentioned in the report.

Mr. COCHRAN. I appreciate your bringing this issue to the attention of the Committee, and I will carefully consider this issue affecting the FDA's Adverse Event Monitoring System regarding dietary supplements. I thank the Senator for raising this matter to my attention.

USDA–ARS NEW ENGLAND PLANT, SOIL AND WATER RESEARCH LABORATORY

Ms. SNOWE. Mr. President, I thank the chairman for his continuing support for the New England, Plant, Soil, and Water Research Laboratory in Orono, Maine. Quite frankly, with his help and the support of his Subcommittee, we have literally snatched this USDA-Agricultural Research Service potato research laboratory—so important to the Maine potato industry—from the jaws of defeat ever since the Administration called for its closing in 1995. Not only have we kept the doors open, but with his support, the research facility on the University of Maine campus in Orono now has not only Dr. Wayne Honeycutt as its very capable lead scientist, but has added two plant pathologists, a research chemist, and a soon to be added research agronomist because of his support last year. I want to once again reemphasize just how critical the lab's survival is to the state of Maine, its potato growers, and its economy.

Ninety-five percent of the potato acreage in the six states in the New England region are in Maine, and the lab has the benefit of being in close proximity to the grower's fields. There has been a long and productive history of collaborative potato research involving the state, the university research program, and private agricultural interests.

The laboratory's last need is for a soil physicist to complete its scientific staff and not for a soil pathologist as originally requested and for which $300,000 is provided for as stated on page 31 of the Report Language for S. 2536. I request that this technical correction be made for a soil physicist.

Mr. COCHRAN. I thank the Senior Senator from Maine for her tireless efforts over these past five years to not only keep the ARS laboratory open but to assure that the facility is staffed with skilled scientists and support staff that continue to be of great service to the agriculture community in Maine. This research facility has my support and the appropriate technical change will be made for a soil physicist.

Ms. SNOWE. Once again, I thank the chairman for his support of agriculture throughout my State, and I praise him for your fine leadership as Chair of the Subcommittee.

QUALITY AND SHELF LIFE OF AGRICULTURAL COMMODITIES

Mr. CRAIG. Mr. President. I want to thank the Senator from Mississippi, for drafting an excellent FY2001 Agriculture Appropriations bill that will help meet the needs of our nation's farmers and agricultural communities. I especially want to thank him for working closely with me to ensure that issues affecting the Idaho agriculture are addressed in the bill.

I know that the Senator from Mississippi works hard with limited resources to fund worthwhile and fiscally responsible agricultural research programs. One important area of agriculture research involves increasing the shelf life of our food, while maintaining its quality, and one of the most promising methods is irradiation. In Idaho, Idaho State University is home to the Idaho Accelerator Center (IAC) which is proposing a research program to investigate the effects of small amounts of irradiation—as compared to conventional food irradiation—on the behavior of potatoes. IAC and several Idaho-based partners have been studying the positive effects of low doses of x-ray and electron beam irradiation on the storage properties and shelf life of potatoes. Significant improvement in shelf life has been demonstrated over the entire range of standard storage conditions, with virtually no decline in quality. The results indicate that long term storage losses can be reduced to very low levels and that shelf life during transport, storage by vendors and by consumers is extended indefinitely. It is believed that these findings will also hold true for other commodities such as onions, sugar beets, etc. These results are achieved without chemicals, radioactive materials or other environmentally harmful processes. The irradiation is provided by the electron beams produced from compact, portable high-energy electron-linear accelerators.

While I know that the project is not funded in the Senate bill, I want to ask the Chairman to consider the IAC proposal during Conference on the bill. This is a worthy project and one that I am confident will lead to real results that will benefit our farmers and consumers.

Mr. COCHRAN. Mr. President, I want to thank the Senator from Idaho for his kind remarks. We have tried hard to accommodate every worthwhile request but, as we all know, we are constrained by our budget allocation. I want to assure him, however, that I will thoroughly review the request made by the Idaho Accelerator Center at Idaho State University and will give it appropriate consideration during Conference.

Mr. CRAIG. Mr. President. I want to thank the Chairman for his willingness to look at this, and for all he does for American agriculture and a safe, secure, food supply.

MONTANA FOOD STAMP STANDARD UTILITY WAIVER

Mr. BAUCUS. Mr. President, I rise today to discuss an amendment that Senator BURNS and I were working with the Committee on in this Agriculture Appropriations bill that would help Montana's senior citizens and low-income citizens. In particular, this measure would provide an additional $500,000 to enable the State of Montana continue its food stamp program standard utility allowance (''SUA'') waiver. Montana is currently operating under an agreement with the U.S. Department of Agriculture to continue extending the waiver.

Montana has approximately 25,000 households using food stamps. Of this number, over 19,000 would be tragically affected by the loss of this waiver. For example, many elderly food stamp recipients who live on fixed incomes and/or reside in public housing would be hard hit be the loss of the Standard Utility Allowance waiver. In many such cases, records from the Montana Department of Public Health and Human Services indicate that the loss could be higher than fifty percent of the benefit.

Second, the state of Montana is currently serving 952 ''able-bodied adults without dependents.'' Many of these are either homeless or at risk of losing their housing. Decreasing their current food stamp benefit would only exacerbate their difficult situations.

Finally, many of these food stamp recipients live in Montana's 634 group homes for the disabled. The loss of the Standard Utility Allowance would decrease food stamps for these individuals with disabilities creating further hardship for group homes which already operate with very little budget flexibility.

The entire Montana delegation has worked hard over the past two years in conjunction with our Montana Department of Public Health and Human Service, the U.S. Department of Agriculture and the Office of Management and Budget to maintain this critical program. I am pleased that Senator COCHRAN is willing to work with Senator BURNS and myself to address this issue within the context of this Agriculture Appropriations bill.

Mr. BURNS. I whole-heartedly support this amendment which is so critical to so many Montana families. The SUA waiver is of particular concern because long winters and high utility costs are something all Montanans face, regardless of income. This waiver allows a credit to a household's income when determining eligibility and amount of food stamp benefits. Because of the unique set of challenges facing Montanans in terms of extreme weather conditions, termination of the Standard Utility Allowance could very well put many needy households at risk of experiencing hunger.

The current SUA waiver is scheduled to expire on September 30, 2000. However, the USDA Food Nutrition Service has conditionally approved the extension of the Montana SUA waiver for an additional year to September 30, 2001. A primary condition to that approval is congressional approval of adequate funding.

To date, this waiver has been very successful in its goals to provide nutritional assistance to low-income citizens. I strongly support funding this program at $500,000 and will work with my colleagues to make that happen by the end of conference.

Mr. COCHRAN. I thank the Senators from Montana for working with the Agriculture Appropriations Committee to bring to our attention the need for funding of this important measure.

Mr. BAUCUS. Thank you, Senator COCHRAN, for your support. Montana's hungry families appreciate your efforts.

BIOINFORMATICS INSTITUTE FOR MODEL PLANT SPECIES

Mr. DOMENICI. Mr. President, I wish to engage in a colloquy with the Chairman of the Subcommittee, the Senator from Iowa, and the Senator from New Mexico regarding the establishment of a Bioinformatics Institute for Model Plant Species as a collaborative effort between the USDA Agriculture Research Service, New Mexico State University, and Iowa State University.

Mr. COCHRAN. I will be pleased to speak with my colleagues regarding this issue. I understand that this is a cooperative approach to enhance the accessibility and utility of genomic information for plant genetic research, and Senator DOMENICI championed the authorization for this institute in the recently enacted Agricultural Risk Protection Act.

Mr. DOMENICI. The chairman is correct that this cooperatively operated institute would reduce duplication of effort as research institutions across the country find the need to develop bioinformatics systems to validate and disseminate results from plant genomic studies. Three model plant species have been identified by the National Science Foundation, and this institute would incorporate software platforms that will enable the integration of these model plant bioinformatic resources with crop plant bioinformatic resources.

Mr. HARKIN. Over the past several months, my staff and I have had the pleasure of discussing this collaboration between Iowa State University, New Mexico State University, and the Agriculture Research Service with representatives of the National Center for Genome Resources, and want to express my support for establishing this institute. It would bring research scientists from the State Agriculture Experiment Stations and ARS together with the expertise in bioinformatics and software platforms developed by NCGR and its work on the Human Genome Project. Through this combination of expertise, the institute would greatly reduce the chances of having to ''reinvent the wheel,'' so to speak, as genomic research continues to expand into greater numbers of agricultural plant species.

Mr. BINGAMAN. I concur with my colleagues' assessment that this institute would provide a valuable addition in the research area of plant genomics. It would let us avoid redundant genomics research in crop species and leverage information for crop improvement. Funding for this institute would augment existing skills and resources, rather than building new bioinformatics infrastructure.

Mr. DOMENICI. Funding from the Agricultural Research Service will be needed to establish this institute. I understand that with the funding provided for ARS in this bill, that may not be possible. I ask the Chairman if he would assist us in the upcoming Conference Committee to ensure that ARS funding is adequate to accommodate this important project?

Mr. COCHRAN. I want to thank my colleagues for bringing this issue to the attention of the Senate. I appreciate the significance of establishing this institute, and I will make every effort to accommodate their request in the Conference.

Mr. HARKIN. I want to thank the Chairman of the Subcommittee, and look forward to working with him in the Conference.

Mr. BINGAMAN. I, too, thank the Chairman for his assurance.

Mr. DOMENICI. I thank the Chairman of the Subcommittee.

STUDY TO IMPROVE AFRICAN AGRICULTURAL PRACTICES

Mr. SANTORUM. Mr. President, I rise to engage in a colloquy with the distinguished Chairman of the Agriculture Appropriations Subcommittee regarding a study to improve farming practices in Africa.

As the chairman knows, the Trade and Development Act of 2000 was signed into law in May. This Act authorized a study on ways to improve African agricultural practices. This study will be conducted by the U.S. Department of Agriculture in consultation with a land grant university and a not-for-profit organization that has firsthand knowledge of African farming.

While a two year study is authorized, it is my understanding that ample data and research exists supporting the need to establish a more formal relationship to improve farming practices in Africa.

To that end, I ask the Chairman if he would work with me to ensure that the USDA takes up this study in a timely fashion and incorporates the existing data so that we can formally implement these recommendations.

Mr. COCHRAN. I want to thank the Senator from Pennsylvania, and appreciate him bringing this issue to my attention.

As move forward, I will work with him to ensure that the USDA takes into consideration the existing data and research, and completes the study within a reasonable timeframe.

Mr. SANTORUM. I thank the Chairman for his commitment, and appreciate his willingness to work with me on this important initiative.

BOVINE TUBERCULOSIS

Mr. LEVIN. Mr. President, we have before the Senate the Fiscal Year 2001 Appropriations Act for Agriculture, Rural Development, and Related Agencies (S. 2536). Included in this bill is funding which will, among other things, assist our nation's farmers, aid rural development, preserve delicate ecosystems and provide food assistance to our nation's most needy individuals. I support these measures, but I also realize that there are urgent agricultural emergencies which cannot be covered by the scope of the annual appropriations process.

Mr. COCHRAN. The Senator from Michigan is correct in stating that frequently there exist many agricultural emergencies which are best addressed by the action of the Secretary of Agriculture.

Mr. LEVIN. I thank the Senator from Mississippi. One agricultural emergency that currently affects my home state of Michigan, and which threatens

livestock in the Upper Midwest is bovine tuberculosis (TB). Due to a host of factors, Michigan is the only state in the Union where bovine TB has actually been transferred from livestock into the wild. Most frequently, this disease has been transferred from cattle to members of the Cervid family, such as whitetail deer. Deer then are able to transfer TB to herds of cattle, wild animals or humans. As a result of this disease, neighboring states have restricted the entry of Michigan cattle, farmers have been required to test their cattle for this disease and some livestock producers have had to eradicate their herds. I would ask the Senator from Wisconsin, if he believes that the matter of bovine TB constitutes an emergency.

Mr. KOHL. I agree with the Senator from Michigan that bovine TB constitutes an agricultural emergency.

Mr. LEVIN. I thank the Senator from Wisconsin. I would hope that the Secretary of Agriculture would declare an emergency regarding bovine TB. Doing so would assist areas where this disease is present and prevent the further spread of bovine TB.

RED RIVER TRADE COUNCIL

Mr. DORGAN. Mr. President, I rise to discuss the Agriculture Diversity Project, which is administered by the Red River Trade Council through the Cooperative State Research, Education, and Extension Service. The Agriculture Appropriations Subcommittee has funded this program in the past, and I want to thank the Chairman and the Ranking Minority of the Agriculture Appropriations Committee for their support.

As my colleagues know, one of the areas of economy that has not shared in the current economic boom is agriculture. The farmers and those who live and operate businesses in rural America are struggling financially to maintain not only a reasonable standard of living, but also the preservation of a rural lifestyle. They are desperate to find ways that will allow them to stay and to make a living in rural America.

The Agriculture Diversification Project now underway seeks to add value to existing crop production, establish high value crop alternatives to those crops traditionally grown in the region, develop processing facilities, and create markets for both new crops and the value added products. One added dimension to the program in Fiscal Year 2001 will be an Internet-based information resource for farmers and other rural residents intended for those who are interested in a sustainable rural economy through entrepreneurship, product development, and marketing. This new aspect of the project will demand additional resources above what the Subcommittee provided in this bill. I hope that we might be able to provide at least $500,000 for this project—which is the level of funding that the House provided in its bill.

Mr. DASCHLE. I am grateful that the Committee has recognized the need for this project in the past and also in the legislation being considered today. However, with the expansion of this project beyond the original states of North Dakota, South Dakota, and Minnesota to also include Iowa, and Nebraska, and to establish the Internet resource a higher level of funding for this project is necessary.

Does the Subcommittee Chairman, the senior Senator form Mississippi, agree that the House level of $500,000 would be a more appropriate funding level for this program?

Mr. COCHRAN. I understand that this project is a priority for the Minority Leader and the Senator from North Dakota. I will work in conference to consider $500,000 for the Red River Trade Council's Agricultural Diversity Project in the final version of the Agriculture Appropriations bill.

LAND-GRANT UNIVERSITY SYSTEM

Mrs. LANDRIEU. Mr. President, the Nation's Land-Grant University system is very fortunate to have historically black land-grant colleges and universities like Southern University of my home State of Louisiana, Tuskegee University of Alabama and Alcorn State of Mississippi, to name just three of them. These universities were granted Land-Grant status under the Evans-Allen law enacted by Congress in 1890. An amendment accepted in House of Representatives during debate on the Agricultural Appropriations bill for Fiscal Year 2001 increases formula funds for research and extension science performed at these universities in a total amount of $6.8 million. There are 18 such historically black universities in America which are part of the entire national land-grant university system.

The historically black land-grant universities play a very special and unique role in our nation. Since 1988, the base formula funding provided to our nation's historically black colleges has eroded. Funding provided to these institutions through this mechanism has remained flat from the previous fiscal year. Investing in the 1890s Land-Grant institutions is a wise investment indeed. Together, our historically black land-grant universities comprise a unique asset with the multi-cultural depth to enrich the research, extension and education capacity of the nation. Strengthening minority serving institutions and making them equal partners in the Land-Grant System are key elements toward improving minority access to USDA programs. Our universities need a significant boost in infrastructure investment to fully participate and compete for research, extension and education funding. The amendment passed by the House of Representatives would increase base (formula) funding and as a result would be a significant step in that direction. I appreciate Senator COCHRAN's recognizing the importance of this funding and hope you will give strong consideration during conference to acceding to the amendment passed by the House of Representatives. $6.8 million divided among the 18 historically black institutions is not much, but it does mean a great deal to these institutions and the people they serve through their research and extension programs.

Mr. COCHRAN. I recognize the need to provide adequate support for the 1890 institutions. The Senator will be pleased to know that this bill provides increases above the fiscal year 2000 level for the 1890 institution's capacity building grants program and the facilities grants program. I share the Senator's interest in these institutions and will keep her comments in mind as we work to enhance funding for these programs in conference.

Mrs. LANDRIEU. I thank the Senator.

CARBON DIOXIDE EMISSIONS TRADING CREDIT MODELS

Mr. CRAIG. Mr. President, I want to ask the Chairman about a small provision in report language, under the Natural Resources Conservation Service. The report encourages the agency to interface with a consortium of universities on developing carbon dioxide emissions trading credit models. I am just seeking clarification on the academic nature of the efforts described and the intent of the Committee.

In numerous appropriations bills and reports, the Committee and the Senate have reiterated the position, consistent with the unanimously-passed Byrd-Hagel resolution, that the Kyoto Protocol on global climate change and control of greenhouse gases has not been approved by the Senate and must not be implemented by the Administration through the regulatory backdoor. Every year, language to this effect has been included in a growing number of appropriations laws, including the Agriculture Appropriations Act for fiscal year 2000.

My question arises because emissions trading is inextricably, and most visibly, linked to the limits envisioned in the Kyoto Protocol. I assume there is no intention in the report language to be inconsistent with our longstanding position on Kyoto and no implied endorsement of emissions trading. I would read the report as simply encouraging the agency in giving technical assistance to an academic research project relevant to agriculture.

Mr. COCHRAN. The Senator has correctly characterized the Committee's intent.

Mr. BINGAMAN. Mr. President, I rise today to speak for a few minutes about my amendment to the Agriculture Appropriations Bill now before the Senate. The amendment identifies vital

funding for Indian Country in four programs under the Rural Community Advancement Program. The cosponsors of the amendment are Senators CAMPBELL, INOUYE, DOMENICI, LEAHY, DASCHLE, DORGAN, FEINSTEIN, BENNETT, MURRAY, JOHNSON, HATCH, SNOWE, and CONRAD.

First, I want to thank Chairman COCHRAN and Senator KOHL for their work on this Agriculture Appropriations Bill. This bill provides funding for a number of programs that are vital to my state of New Mexico and to the nation.

The rural development programs funded in this bill are especially important for a rural state like New Mexico. Through a variety of grant and loan programs, rural development is helping to make sure that our smaller communities are not being left behind in basic infrastructure, in quality of housing, in economical utilities, in community facilities, or in business development. Rural development is making tremendous progress in improving the quality of life of our smaller communities and in Indian Country. The basic health and well being of rural people in New Mexico, as well as their economic future, are much brighter as a result of the rural development programs.

This amendment is straight forward. The bill already provides $24 million for tribal programs, and I thank the Chairman and Ranking Member for providing this important set aside. The amendment simply sets the priorities for how the existing tribal funding in the bill should be divided among the various Rural Development Programs. Under our amendment, $1 million is set aside for rural business opportunity grants, $5 million for community facilities for tribal colleges, $15 million for grants for drinking water and waste disposal systems, and $3 million for rural business enterprise grants. These priorities have the support of the National Congress of American Indians and the American Indian Higher Education Consortium.

I ask unanimous consent that letters from the NCAI and AIHEC supporting our amendment be included in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BINGAMAN. The $15 million in water and wastewater grants in this amendment include a special provision that allows the department to provide up to 100 percent of the cost of a project for the most economically disadvantaged tribes that can't otherwise qualify for a loan as normally required. A similar grant program was first established by Congress last year to address the urgent needs in Indian Country for basic water and waste water systems. I am pleased that the Rural Utilities Service has moved quickly this year to implement this new program and we are seeing immediate results. To date, 26 grants have been awarded to tribes in 14 states—from Maine to California. The average grant is a little more than $400,000. The RUS already has in hand requests for many millions of dollars in important projects for next year. This amendment will provide the funding to address these urgent needs.

In addition, the amendment provides $5 million in much needed funding for facilities construction and maintenance at our 33 tribal colleges that comprise the American Indian Higher Education Consortium, AIHEC. Many of these institutions are operating in donated, abandoned, and in some cases, even condemned structures. Hazards include leaking roofs, asbestos insulation, exposed and substandard wiring, and crumbling foundations. Tribal colleges receive little or no funding from the states. These institutions are located on federal trust land and are a federal responsibility. The $5 million provided in this amendment will begin to address the backlog in facility requirements for tribal colleges.

The development of new businesses in Indian Country is one key to self sufficiency for Native American communities. The amendment provides $3 million in rural business enterprise grants to support the development of small and emerging tribal business enterprises. These funds can be used to develop land, construct buildings and factories, purchase equipment, provide road access and parking areas, extend basic utilities, or provide technical assistance, startup and operating costs, or working capital for new business.

Finally, the amendment provides a $1 million set aside for tribal rural business opportunity grants. Tribes may use these funds to analyze business opportunities that will make use of the existing economic and human resources in Indian Country. Funding can also be used to train tribal entrepreneurs and to establish business support centers. Unemployment rates in Indian Country are the highest in the nation, sometimes topping 50 percent. Development of new business opportunities on tribal lands is one of the keys to improving the standard of living in Native American communities.

Congress established the rural development programs to assist in the economic development of rural areas of the nation with the highest percentage of low-income residents. Today, some of the most economically disadvantaged communities in America are in Indian Country. The $24 million set aside in this bill for tribal programs represents only a tiny percentage of the total funding available for Rural Community Advancement Programs. This funding will begin to address the needs of some of America's poorest communities.

Again, I want to thank Chairman COCHRAN and Senator KOHL for their support for the tribal funding in this bill. These are important programs to help deal with the critical needs of our tribes. I hope the Senate will support our amendment.

EXHIBIT 1

NATIONAL CONGRESS OF AMERICAN INDIANS,
Washington, DC, May 24, 2000.

Re Support for Bingaman Tribal Amendment

DEAR SENATOR:The National Congress of American Indians (NCAI), the oldest and most representatives Indian advocacy organization, respectfully request your support for an amendment to be offered by Senator Jeff Bingaman to S. 2536, the FY2001 Agriculture Appropriations bill during full Senate consideration. This amendment would designate the $24 million currently proposed for water and wastewater loans and grants in the Indian Rural Utilities Service (RUS) programs into four grant programs: 1) Rural Business Opportunity Grants; 2) Community Facilities Grants for Tribal College Improvements; 3) Drinking Water and Waste Disposal Systems for Economically Disadvantaged Tribes; and 4) Rural Business Enterprise Grants.

NCAI supports this amendment because it designates the funds for grant programs that are targeted to the specific rural development needs of tribes and tribal colleges, rather than for the general purpose of benefiting federally recognized Native American tribes.

In FY2000, Senator Bingaman was instrumental in securing the original set aside of $12 million for the Indian RUS program. To date, 19 Indian projects have been funded, with five requests on hand, and an additional four that are or forthcoming.

NCAI respectfully request your support of the Bingaman Tribal amendment when it is offered for full Senate consideration. If you have any questions in regards to this amendment, please contact me or Victoria Wright, NCAI Legislative Associate at (202) 466–7767.

Sincerely,

JOANN K. CHASE,
Executive Director.

AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM,
Alexandria, VA, July 2000.

DEAR SENATOR: The 33 Tribal Colleges and Universities that comprise the American Indian Higher Education Consortium (AIHEC) respectfully request your support of the Bingaman amendment to be offered during Senate consideration of the FY01 Agriculture Appropriations bill (S. 2536/H.R. 4461). This amendment would simply allocate the proposed $24 million available for loans and grants to federally recognized American Indian tribes through the Rural Community Advancement Program into four grant programs: 1) Rural Business Opportunity Grants; 2) Community Facilities Grants for Tribal College Improvements; 3) Drinking Water and Water Disposal Systems for Economically Disadvantaged Tribes; and 4) Rural Business Enterprise Grants.

Tribal Colleges serve as community centers, providing libraries, tribal archives, child care centers, nutrition and substance abuse counseling and a broad range of other vitally needed facilities to their rural communities. Yet, many of our colleges are still operating in trailers, renovated gymnasiums, reclaimed abandoned BIA facilities with leaking roofs, exposed and substandard wiring and crumbling foundations. The Federal

government has never funded authorized facilities programs for the Tribal Colleges. The Rural Community Programs were created to assist in the development of essential community facilities located in rural areas with a high concentration of low-income residents. This is by definition of the reservation communities served by the Tribal Colleges.

Our 33 colleges, 26,000 students and the 250 tribal nations we serve are extremely grateful to Senator Bingaman for championing this effort and for your support. The inclusion of the amendment will be a first step in bringing the Tribal Colleges much needed resources to address critical facilities needs.

Respectfully,

VERONICA N. GONZALES,
Executive Director.

Mr. MCCAIN. Mr. President, the agricultural appropriations bill is very important bill—it provides federal assistance to our nation's farming communities, funds social service programs for women and children, and addresses natural resource management needs across the country.

I commend Chairman COCHRAN and other members of the Agriculture Appropriations subcommittee for their hard work to complete this year's bill. So, it is with regret that I had to vote against passage of this bill.

Mr. President, approval of the annual budget is among our most serious responsibilities. We are the trustees of billions of taxpayer dollars, and we should evaluate every spending decision with great deliberation and without prejudice.

Unfortunately, each year, we find new ways to violate budget policy. Appropriators have employed every sidestepping method in the book to circumvent Senate rules and common budget principles that are supposed to strictly guide the appropriations process. The excessive fodder and trickery have never been greater, resulting in the shameless waste of millions of taxpayer dollars. Included in this bill is more than $243 million in pork-barrel spending and additional ''emergency spending'' at the cost of $2 billion.

Traditional earmarks run rampant in this bill and its accompanying report for unrequested and low-priority spending. Other sly methods are also utilized to secure funding for parochial projects. If a direct amount is not earmarked, then the committee has covertly directed the USDA to grant special consideration to certain projects that would otherwise be subject to a competitive grant review. Appropriations bills are also popular targets to attach policy riders which clearly have no place in budget bills.

Another $2 billion in designated ''emergency'' spending was also added to this bill for various crop and disaster related assistance. This ''emergency'' spending is in addition to billions already spent in the past few years for farm relief spending, as well as other supplemental appropriations included in the military conference report for fiscal year 2000, and several billion more included in the recently passed crop insurance reform bill.

I rise today to tell my colleagues that I object.

I object to the $243 million in directed earmarks for special interest projects in this bill. I object to sidestepping the legislative process by attaching erroneous riders to an appropriations bill. I object to speeding through appropriations bills without adequate review by all members. I object to budget gimmickry practiced by attaching non-germane and non-priority items to appropriations bills and designating them as ''emergencies'' to avoid exceeding budget allocations.

It is no surprise that many of these earmarks are included for political glamour rather than practical purposes. Members can go back to their districts to ride in public parades and garner votes at the expense of average citizens who are struggling to maintain minimum wage jobs.

Again, some of these items are not particularly objectionable on an individual basis. However, I am merely objecting to the way these projects have been selectively identified and prioritized for earmarks when so many other needs around our country go unaddressed. Other items clearly do not belong in this particular bill and, therefore, could be subject to budget points-of-order.

Numerous earmarks are included that are of questionable relation or priority to the purposes of this bill. A few examples are:

$20 million for construction of a Los Angeles replacement laboratory and office space project in California;

$3.5 million for the Delta Teachers Academy;

$5 million for demonstration housing grants for agriculture, aquaculture, and seafood processing works in Mississippi and Alaska;

$500,000 for cooperative efforts with the Claude E. Phillips Herbarium in Delaware;

$87,000 for North American Studies in Texas;

$436,000 for a clean air PM–10 study in Washington;

$2,150,000 for a rural health program in Mississippi to train health care workers to serve in rural areas; and,

An additional $520,000 for seven additional inspectors at the U.S.-Mexico Border at the San Diego ports of entry.

Again, Mr. President, these projects may be meritorious and helpful to the designated communities, but they do not appear appropriate to tag onto this year's agriculture spending bill. This appropriations measure is intended to address farmers, women, children and rural communities with the greatest need. Yet, by diverting millions to non-agricultural needs, we fail in this responsibility, forcing Congress to pass ad-hoc emergency spending bills with billions in farm relief and bail-outs for producers who cannot pay back their federal loans.

I hope my colleagues will agree that we have higher spending priorities that are directly related to the purposes of this agriculture bill. Had we more responsibility allocated funding in these appropriations bills, we certainly could have avoided this type of egregious pork-barrel and emergency ad hoc spending which cuts deep into the budget surplus.

Mr. President, I have compiled a list of objectionable provisions in this bill and its accompanying report. However, the list is too lengthy to include in the RECORD, but will be available from my Senate office.

Mr. KENNEDY. Mr. President, the American food supply is one of the safest in the world—but it is not safe enough. Over 75 million Americans a year are stricken by disease caused by contaminated food they eat. Each year, 9,000 people—mostly the very young and the very old—die as a result. The costs of medical treatment and losses in productivity from these illnesses are as high as $37 billion annually.

The emergency of highly virulent strains of bacteria, and the increase in the number of organisms resistant to antibiotics, are compounding these problems and making foodborne illnesses an increasingly serious public health challenge.

Americans deserve to know that the foods they eat are safe, regardless of their source. Yet too many citizens today are at unnecessary risk of foodborne diseases. This Congress can make a difference. The FDA requested a budget increase of $30 million in 2001 for its Food Safety Initiative activities. With these additional funds, the FDA can improve its inspection of high-risk food establishments and strengthen its laboratory capabilities. Without this funding, the agency will conduct 700 fewer inspections next year. The Senate Appropriations Committee recognized the importance of protecting our food supply by granting the FDA the majority of its requested increase for food safety. The amendment I propose will give the FDA the additional $6 million it needs for these efforts.

In response to improved surveillance and increased sampling and testing, illnesses from the most common bacterial foodborne pathogens decreased by 21 percent from 1997 to 1999. As a result, 855,000 fewer Americans each year suffer from foodborne diseases. But contaminated food still remains a significant public health problem.

Recently, a new strain of an organism contaminated oysters in Texas, and caused an epidemic of diarrhea. This year, the FDA recalled several smoked fish products manufactured in New York because of outbreaks of disease. In March, 500 college students in Massachusetts became ill with Norwalk-like virus. Each year there are

also at least 4700 cases of Salmonella in Massachusetts. We must do more to protect our citizens from foodborne diseases.

Imported foods are a significant part of the problem and often pose especially serious health risks. Americans are consuming foods from other countries at increasing rates. Since 1992, the number of food imports has tripled. At that time, the FDA was able to inspect only 8 percent of these imports. Since then the rate of FDA inspections of imported food has dropped to less than 1 percent, because resources did not increase for monitoring these imports.

Other countries have often not implemented food safety protections comparable to those in the United States, and general sanitary conditions are often poor. As a consequence, foods from such countries are more likely to be contaminated with disease-producing organisms. In 1995, 242 people contracted Salmonella from alfalfa sprouts imported from the Netherlands. In 1996, over 1,400 people became ill from contaminated raspberries from Guatemala. Just this year, infected shrimp from Vietnam caused Salmonella and E. coli outbreaks.

In earlier decades, diseases such as tuberculosis and cholera were the focus of food safety concerns. Today diseases caused by dangerous new strains of E. coli have become primary causes of foodborne illness. These new organisms necessitate increased investment in research, technology, and surveillance to protect the safety of our food supply.

Food safety efforts are also especially important to protect the growing number of individuals in vulnerable populations, such as young children, the elderly, those with lowered immunity from HIV, and those with inadequate access to health care.

By providing the FDA with the necessary resources to combat foodborne diseases, we can protect tens of millions of our fellow citizens across the country each year. Investment in food safety is an investment in the health of every American. Congress should give the FDA the resources it needs in order to ensure the safety of the food we eat. The amendment I am proposing is a major step to meet this challenge, and I urge the Senate to approve it.

Mr. LEAHY. Mr. President, I rise today to express my support for and cosponsorship of the Hatch-Durbin amendment to the Agriculture Appropriations bill to increase funding for the Office of Generic Drugs (OGD) at the Food and Drug Administration (FDA) by $2 million.

As we all know, the high costs of prescription drugs are on the minds of Americans because having access to affordable prescription drugs is essential for people of all ages. Over the next 5 years, the patents of name brand drugs with approximately $22 billion in sales will expire. Consumers will save millions of dollars from generic prescription drug alternatives. This will help to alleviate cost pressures facing some of our most vulnerable citizens—seniors and the chronically ill.

The FDA will be able to help make drugs more affordable only if it has adequate resources to review and approve generic drug applications in a timely manner. In recent years, I have worked with Senators SPECTER, HARKIN, and other cosponsors of this amendment to urge our colleagues to increase funds for the Office of Generic Drugs. These efforts have paid off in a reduction in the backlog of generic drug applications. Unfortunately, the President did not request an increase for the Office of Generic Drugs for the 2001 fiscal year. However, the workload for the office continues to increase and for the first time in several years, the backlog of applications has increased rather than continue to decline.

An increase of $2 million for the Office of Generic Drugs will be used for training and the upgrade of information technology systems that will allow for the electronic submission and review of generic drug applications.

I urge my colleagues to support this important amendment. This amendment will put the review record of the Office of Generic Drugs back on course.

Mr. DOMENICI. Mr. President, I rise in support of the Department of Agriculture and Related Agencies Appropriations bill for fiscal year 2001.

The Senate-reported bill provides $75.1 billion in new budget authority (BA) and $39.4 billion in new outlays to fund most of the programs of the Department of Agriculture and other related agencies. All of the discretionary funding in this bill is nondefense spending.

When outlays from prior-year appropriations and other adjustments are taken into account, the Senate-reported bill totals $64.2 billion in BA and $46.7 billion in outlays for FY 2001. Including mandatory savings, the subcommittee is at its 302(b) allocation in both BA and outlays.

The Senate Agriculture Appropriations Subcommittee 302(b) allocation totals $64.4 billion in BA and $46.7 billion in outlays. Within this amount, $14.9 billion in BA and $15.0 billion in outlays is for nondefense discretionary spending.

For discretionary spending in the bill, and counting (scoring) all the mandatory savings in the bill, the Senate-reported bill is $315 million in BA and $6 million in outlays below the subcommittee's 302(b) allocation. It is $75 million in BA below and $131 million in outlays above the 2000 level for discretionary spending, and $630 million in BA and $77 million in outlays below the President's request for these programs.

I recognize the difficulty of bringing this bill to the floor at its 302(b) allocation. I appreciate the committee's support for a number of ongoing projects and programs important to my home State of New Mexico as it has worked to keep this bill within its budget allocation.

I urge adoption of the bill.

Mr. President, I ask unanimous consent that a table displaying the Senate Budget Committee scoring of the bill be inserted in the RECORD.

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

S. 2536, AGRICULTURE APPROPRIATIONS, 2001 SPENDING COMPARISONS—SENATE-REPORTED BILL

[Fiscal year 2001 in millions of dollars]

	General purpose	Mandatory	Total
Senate-reported bill:			
Budget authority	14,539	49,616	64,155
Outlays	14,961	31,775	46,736
Senate 302(b) allocation:			
Budget authority	14,584	49,616	64,470
Outlays	14,967	31,775	46,742
2000 level:			
Budget authority	14,614	50,295	64,909
Outlays	14,830	33,088	47,918
President's request			
Budget authority	15,169	49,616	64,785
Outlays	15,038	31,775	46,813
SENATE-REPORTED BILL COMPARED TO			
Senate 302(b) allocation:			
Budget authority	−315		−315
Outlays	−6		−6
2000 level:			
Budget authority	−75	−679	−754
Outlays	131	−1,313	−1,182
President's request			
Budget authority	−630		−630
Outlays	−77		−77

Note.—Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. ROBERTS. Mr. President, I rise today in strong support of H.R. 4461, the FY2001 Agriculture appropriations bill. I commend Senator COCHRAN for bringing forward what I believe is a solid bill to fund those programs of greatest importance to production agriculture and rural America. The task to complete this legislation is never easy, but the Senator from Mississippi has again worked to craft a bill that serves the states of all members of the Senate.

In this era of tight budget caps, crafting this legislation becomes more difficult each year. Despite these difficulties, the chairman has still found a way to provide increases in funding for several vital programs, including:

Farm Service Agency Staffing +$20 million from FY00; Conservation Programs +$63.4 million; Food Safety Inspection Service +$29 million; and Agricultural Research +60.4 million.

Mr. President, I know that many Senators and our constituents are often upset to see increases in funding for federal staffing. But, I must tell you that this increase in funding for FSA staffing is essential.

The Farm Service Agency is responsible for distributing all AMTA, LDP, and market loss payments and programs to our producers. With the low prices of the past two years, these staff have faced a tremendous workload.

These programs are essential to our producers and without proper staffing the delivery of these programs will be delayed. This is funding that will benefit our producers.

The productivity of today's U.S. agricultural machine is a modern day miracle that is a model for the rest of the world. We grow more food, for more people, on less land each year. Much of this productivity is a direct result of the commitment Congress has provided to agricultural research in the past. Additional research and productivity will be essential, as the world's population continues to grow in the next fifty years. The U.S. must be a leader in this area, and I thank the chairman for his commitment to research funding in this legislation.

In addition, I want to thank the chairman for the additional funding provided for the Food Safety Inspection Service (FSIS). Kansas is the largest beef packing state in the country and beef accounts for nearly ½ the farm income in my state each year. We have many small plants and lockers located throughout the state, and we have the ''Big 4'' packers located within a 100-mile radius of each other in the southwestern part of the state. These plants have experienced inspector shortages at several points during the past year. These shortages result in reduced production chain speeds, which results in lost income for the processors, and fewer cattle being slaughtered which directly affects the pocketbooks of my cowboys and cattle ranchers, I am hopeful FSIS will use this money to hire inspectors and locate them in those areas where they are most needed.

I think it is also important to point out the significantly larger amount of funding for USDA agricultural export programs in the Senate bill compared to the House Agricultural Appropriations bill. We need full funding of these programs if our producers are to continue gaining additional world market shares, and I am hopeful the Senate position will prevail in conference with the House.

Finally, I thank the chairman for the funding he has provided for continued wheat and grain sorghum research in the State of Kansas through the Agricultural Research Service and Kansas State University. Kansas is the No. 1 producer of both wheat and grain sorghum in the U.S. Thus, the two crops play a vital role in our state's agricultural economy. This funding will allow us to continue research that allows us to combat emerging diseases in these crops and to find better ways to market them as well.

Again, I thank the Chairman for his efforts on this legislation. As always, he and staff—Rebecca Davies, Martha Scott Poindexter, Les Spivey, and Hunt Shipman—have taken very difficult budget numbers and have gone out of their way to address the needs of the constituents of all members of the Senate. They should be applauded for their work, and I urge my colleagues to support quick passage of this important piece of legislation.

Mr. WARNER. Mr. President, during consideration of the 1990 Farm Bill, a provision was inserted granting the USDA Graduate School the ability to enter non-competitive, interagency agreements for the provision of training services to other agencies. The Graduate School pursues and enters into these side agreements with other Federal agencies on a non-competitive basis. The private sector is shut out, unable to bid on these contracts.

Section 1669 enables the United States Department of Agriculture Graduate School (Graduate School) to accept non-competitive agreements from federal agencies to provide training and other human resource services. The provision limits—and even discourages—competition in contracting, the cornerstone of fair and equitable pricing in the award of government contracts.

Despite its name and 80-year history, the Graduate School is not a part of the federal government. The Comptroller General of the United States ruled that the Graduate School is a ''Non-Appropriated Fund Instrumentality'' (NAFI). NAFIs do not receive budget authority or appropriations from Congress and are supported entirely by fees or prices for their services. Like other NAFIs the Graduate School is not subject to the Federal Acquisition Regulations, the Freedom of Information Act, or other laws and regulations governing the operations of federal agencies. The Comptroller General ruled that the Graduate School, as a NAFI, is not a proper recipient of interagency order from Government agencies for training services. And under law, these orders are only permissible if a commercial enterprise can't provide the goods or services as conveniently or cheaply.

Various federal laws do indeed provide preferential treatment for economically disadvantaged firms in the award of government contracts. Under these programs administered and monitored by federal agencies, such as the Small Business Administration, Department of Labor, and Department of Commerce, many small businesses, minority-owned enterprises, and firms in labor surplus areas qualify by meeting established regulatory standards.

The Graduate School, however is not economically disadvantaged. The Graduate School earned net profits exceeding $13 million over the past five years. Effective on the close of its 1998 fiscal year on September 30, its net worth was $18.5 million; its aggregate retained earnings (1993–1998) were $13.3 million, and its current asset/liability ratio was 2.01. In spite of this financially advantageous position, the Graduate School pays ''bargain rate'' nonprofit postage, receives donated space and services from federal agencies, and pays no federal income tax.

Only the Graduate School benefits from the preferential treatment afforded by Section 1669.

The Graduate School has government subsidized facilities in Washington, D.C., Chicago, Philadelphia, Honolulu, Atlanta, Dallas, and San Francisco. It offers a range of business, finance and management courses that could be offered by hundreds of local community colleges or private training firms.

The Graduate School benefits at the expense of small and large tax-paying businesses and is not selling any commodity they could not provide. Indeed, many large and small-business training enterprises are ready, willing, and able to compete for the Graduate School's share of agency training budgets.

Mr. President, competition requires a level playing field. Without it, American taxpayers take the hit. And agencies and taxpayers are not receiving the benefits for quality and pricing that competition provides. In Section 1669 restrictive, narrowly based, preferential legislation undermines proven forces of the market economy to determine fair and equitable prices. Section 1669 of the 1990 Agriculture Act (PL 101–624) must be repealed.

Mr. DORGAN. Mr. President, yesterday the Senate passed by a margin of 74–21 the Jeffords-Dorgan amendment to allow for importation of FDA-approved prescription medicines by licensed pharmacists and drug wholesalers. This amendment addresses a very important issue for American consumers, especially for senior citizens who must pay for their medicines out of their own pockets. The same medications sold in the United States are also sold in Canada and other countries, often at substantially lower prices. This amendment has the potential to save American consumers millions of dollars by giving them access to their medicines at these lower prices at their local pharmacies.

I am pleased that this amendment has the support of the National Community Pharmacists Association, and I ask unanimous consent that a letter of support from the NCPA be printed in the RECORD.

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

NATIONAL COMMUNITY PHARMACISTS ASSOCIATION,
July 17, 2000.

Re H.R. 4461—Ag Appropriations Jeffords/Dorgan/Wellstone et al., amendment.

DEAR SENATOR: On behalf of the independent pharmacists in your state, I would like to express the National Community Pharmacists Associations' endorsement of the strongly bipartisan cited amendment that safely allows American consumers to benefit from international price competition for prescription medicines.

The Jeffords/Dorgan/Wellstone amendment is designed to permit the importation of prescription drugs by American pharmacies so long as the drugs meet Food and Drug Administration standards, including compliance with current good manufacturing practices. Such FDA-approved drugs are sold in Canada, the United Kingdom, EU countries, and other countries for prices considerable lower than the best prices available to retailers in this country. We agree with its sponsors that it ''is a fair commonsense, free-market approach to lowering drug prices for constituents while benefiting small businesses'' and that ''it's outrageous that Americans should have to resort to crossing borders to purchase their prescriptions. We should be able to buy our medications at reasonable prices from pharmacies in our neighborhoods.''

This amendment encourages and supports the role of pharmacists in our health care system and strengthens their ability to continue to provide affordable, critical products and services. It also will likely encourage more employers to continue and even initiate prescription drug coverage for their employees.

The objectives of this amendment are fully compatible with the 1988, Prescription Drug Marketing Act [PL 100–293] authored by your former colleague Spark Matsunaga and the dean of the House of Representatives, Representative John Dingell. This law in an effort to prevent the importation of counterfeit or adulterated prescription drugs banned reimportation of all prescription drugs, except by manufacturers. The proposed amendment would authorize importation including reimportation by legitimate pharmacists, pharmacists buying groups and wholesalers. Under the amendment, pharmacies and wholesalers importing drugs would still have to meet the *same* standards set by FDA, which allowed $12.8 billion worth of Rx drugs to be imported into the U.S. by manufacturers in 1997.

Obviously, imports by legitimate businesses including the independent pharmacies will not increase counterfeit drugs and will not put the health of American consumers at risk. To claim otherwise would at best be deceptive.

According to the United States International Trade Commission staff, more than 16% of the prescription drugs consumed by American patients were in fact imported. Typical, would be a nasal inhaler for asthma patients whose labeling reads ''Assembled in Great Britain from products manufactured in Great Britain, Sweden, and Finland and manufactured for Astra USA, Inc. Westborough, MA.''

Further, the amendment provides for a paper trail to assure that the drugs are properly transported and stored; and to prevent the importation of counterfeit, adulterated or other inappropriate prescription drugs. It also allows for testing of imported drugs when appropriate.

It is noteworthy that both the FDA and the PMA (now PhRMA) testified against and otherwise opposed the 1988 reimportation provision. Now the drug maker organization has done a 180, claiming that limiting reimports to them protects the public and disingenuously claiming that community retail pharmacy is not a competitive marketplace and that, consequently, any lower acquisition cost available to community pharmacies would benefit consumers only if pharmacies were forced through price controls to pass on savings to patients.

The truth is that the community pharmacy marketplace has virtually all of the characteristics of a healthy competitive marketplace. It has a significant number of widely dispersed, diversely owned businesses that are readily available to consumers. These competitive businesses predictably have modest gross margins or markups and low profits. What these businesses do not have is access to fairly priced branded Rxs based on economies of scale. Drugmakers, through discriminatory pricing practices, are responsible for this unhealthy characteristic of the community pharmacy marketplace.

In addition to the strong and growing number of bipartisan cosponsors, Congress has already taken key steps in support of the Jeffords/Dorgan/Wellstone approach. On April 6, 2000, the Senate approved the Gorton/Jeffords Sense of the Senate resolution that the ''cost disparity between identical prescription drugs sold in the United States, Canada and Mexico should be reduced or eliminated.'' On Monday, July 10, 2000, two relevant and significant amendments were approved by the House of Representatives on the Agriculture Appropriation bill, H.R. 4461. The first amendment was approved 363 to 12. It forbids the FDA from enforcing the ban on reimportation. The second amendment was approved 370 to 12. It prevents any FDA action regarding prescription drugs manufactured in FDA approved facilities in the US, Canada and Mexico. Notably, the House Commerce Committee Chairman and its five subcommittee chairs voted for both of these amendments.

A recent survey by the Senior Citizens League found that 88% of seniors favor the Jeffords/Dorgan/Wellstone amendment to allow safe prescription drugs to be imported from Canada and other countries.

The small businesses, independent health care professionals we represent are the preferred choice of American consumers. Our members function in the market in a variety of forms. They do business as single stores ranging from apothecaries to full line high volume pharmacies; as independent chains (e.g. 100 pharmacies) and as franchises (e.g. Medicine Shoppe, 1200 pharmacies). Whatever the form of business entity, however, independent pharmacists are the decision makers for this wide variety of NCPA member companies.

The most in depth consumer survey to date conducted by *Consumer Reports*, involving 15,000 consumers, published last fall, found that consumers preferred independently owned pharmacies for several reasons: Independents provided more personal attention; Independents provided more useful information about both prescription and non-prescription drugs; Independent druggists were seen as more professional, more sensitive to families' needs, and easier to talk to; Independents kept consumers waiting less time for drugs, had prescriptions ready for pickup more often, and provided out-of-stock medicine faster

Our 1200 plus independently owned members in the Medicine Shoppes franchise were ranked second; the supermarket drugstores were third, the mass merchandisers were fourth; and the worst stores overall were the big corporate run chains. No preference was expressed for mail order.

The community pharmacist of today is simultaneously a health care professional and a small businessperson. As owners, managers, and employees of independent pharmacies, our member's 30,000 pharmacies and our 75,000 are committed to provide legislative and regulatory initiatives, which are designed to protect the public; to provide them a level playing field and a fair chance to compete; and to provide quality pharmacists services to your constituents. The Jeffords/Dorgan/Wellstone et. al. amendments with its safe, but free trade approach, meets each of these criteria.

We urge you to vote for the Jeffords/Dorgan/Wellstone amendment to H.R. 4461. It will unleash market forces to help reduce the cost of safe prescription drugs for all of your constituents, including seniors.

Warm Regards,

JOHN M. RECTOR,
Senior Vice President,
Government Affairs and General Counsel.

Mr. KOHL. Mr. President, I congratulate Senator COCHRAN, my chairman, and his fine staff for the efficient completion of S. 2536. My friend from Mississippi has conducted this debate—as he always does—in a balanced, fair, and non partisan manner. He is a gentleman and a friend, and it is an honor and a pleasure to work with him.

The bill we just passed includes funding for a wide variety of programs important to the American people. This is especially true now due to economic conditions in rural America which have not kept pace with the general prosperity enjoyed by most Americans.

The bill also responds quickly and adequately to the very real crisis that has hit the dairy industry across this nation. Last December, milk prices dropped unexpectedly and dramatically. Today, the base price farmers receive for their milk is $9.46. The average base price for 1998 was $14.21, and the average for 1999 was $12.43.

Those cold numbers cannot express the hard damage that has been done to dairy farmers and their families throughout my State, and throughout the nation. They add up to families that have stopped milking after generations, and rural towns that are collapsing as farms disappear. America's dairyland is in real danger of becoming a wasteland.

And today with this bill, the Senate has responded with emergency payments to the small farmers hardest hit by this disaster. I am proud of this institution for putting aside regional differences and interests, and for seeing this provision as—not just helping Wisconsin farmers, or Vermont farmers, or Pennsylvanian farmers—but as helping American families.

I also thank the Senator from West Virginia, the distinguished ranking member of the Appropriations Committee, for his vital assistance in securing these emergency dairy payments. At the end of last year, when we spent a great deal of the Senate's time on dairy issues, he listened to me and to the unique struggles of Wisconsin dairy farmers. He said then he would do whatever he could to help. And he has. He is a man who speaks some of the most inspiring and powerful words spoken on the Senate floor—and he is a man of those words. It is an honor to serve with him.

This is a good bill and, again, we should all congratulate Senator COCHRAN for his fine leadership of our subcommittee. I also want to thank the members of my staff who have helped make this process run as smoothly as it has this year: Paul Bock, my chief of staff, and Ben Miller, who is new on my staff this year, have done a fine job. Special thanks goes to the subcommittee's minority clerk, Galen Fountain, without whom I do not believe there could be an Agriculture bill in the Senate. His knowledge of the subject, his patience, his loyalty, and his work ethic are legendary around here, and deservedly so.

I look forward to moving this bill through conference quickly, and having a solid Agriculture budget in place well before October 1st.

I yield the floor.

Mr. COCHRAN. Mr. President, there are no more amendments. I appreciate very much the cooperation of all Senators. We are ready to go to third reading.

The PRESIDING OFFICER. If there are no further amendments, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill, as amended, pass?

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Did we just pass the bill?

The PRESIDING OFFICER. The Chair has not yet announced the final passage of the bill.

Mr. SMITH of New Hampshire. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Kentucky (Mr. BUNNING), is necessarily absent.

Mr. REID. I announce that the Senator from California (Mrs. BOXER), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Nebraska (Mr. KERREY), the Senator from Massachusetts (Mr. KERRY), and the Senator from Washington (Mrs. MURRAY), are necessarily absent.

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

The result was announced—yeas 79, nays 13, as follows:

[Rollcall Vote No. 225 Leg.]

YEAS—79

Abraham	Durbin	McConnell
Akaka	Edwards	Mikulski
Ashcroft	Feinstein	Moynihan
Baucus	Fitzgerald	Murkowski
Bayh	Frist	Reed
Bennett	Gorton	Reid
Biden	Grams	Robb
Bingaman	Grassley	Roberts
Bond	Gregg	Rockefeller
Breaux	Hagel	Roth
Brownback	Harkin	Santorum
Bryan	Hatch	Sarbanes
Burns	Helms	Schumer
Byrd	Hollings	Sessions
Campbell	Hutchinson	Shelby
Chafee, L.	Hutchison	Smith (OR)
Cleland	Inhofe	Snowe
Cochran	Jeffords	Specter
Collins	Johnson	Stevens
Conrad	Kohl	Thomas
Craig	Landrieu	Thompson
Crapo	Lautenberg	Thurmond
Daschle	Leahy	Warner
DeWine	Levin	Wellstone
Dodd	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

NAYS—13

Allard	Kyl	Smith (NH)
Enzi	Lieberman	Torricelli
Feingold	Mack	Voinovich
Graham	McCain	
Gramm	Nickles	

NOT VOTING—7

Boxer	Kennedy	Murray
Bunning	Kerrey	
Inouye	Kerry	

The bill (H.R. 4461), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate insists on its amendments and requests a conference with the House, and the Chair appoints Mr. COCHRAN, Mr. SPECTER, Mr. BOND, Mr. GORTON, Mr. MCCONNELL, Mr. BURNS, Mr. STEVENS, Mr. KOHL, Mr. HARKIN, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, and Mr. BYRD conferees on the part of the Senate.

Mr. COCHRAN. Mr. President, I want to express my deepest appreciation for the excellent cooperation of our professional staff members of the Appropriations Committee. Our subcommittee staff, in particular, led by our chief clerk, Rebecca Davies, and other staff members, including Martha Scott Poindexter; Hunt Shipman; Les Spivey; and Coy Neal; the minority professional staff, Galen Fountain and Carole Geagley; the full committee staff member, Jay Kimmitt; Senator KOHL's personal staff members, Ben Miller and Paul Bock. They were all enormously helpful in the handling of this legislation and the passage of this legislation tonight in the Senate. For all of their assistance, I am deeply grateful.

I also have to thank Senator HERB KOHL, the distinguished ranking member of the Democratic side of the aisle on this subcommittee.

I appreciate the able assistance we received during the final, crucial stages of the handling of this bill from Senator LOTT, the majority leader; Senator STEVENS, chairman of the full Committee on Appropriations; and Senator REID of Nevada, who provided assistance all during the handling of the bill on the floor of the Senate today. We appreciate all of the good work they did. We also thank all Senators for permitting us to pass this legislation tonight.

UNANIMOUS CONSENT AGREEMENT

Mr. LOTT. Mr. President, I thank the manager of the Agriculture appropriations bill for allowing me to begin this unanimous consent request and for his patience in working through this long series of amendments. Again, I thank HARRY REID and Senator DASCHLE for their work with us. We have a unanimous consent request so Senators will know how to proceed tonight.

Mr. President, I ask unanimous consent that the Senate proceed to the reconciliation/marriage tax relief conference report to H.R. 4810, and there be up to 90 minutes for debate this evening, to be equally divided between the two managers.

I further ask unanimous consent that when the Senate reconvenes at 9 a.m. on Friday, there be 30 minutes of debate on the marriage tax penalty conference report, to be equally divided between the two managers, and following the use or yielding back of time, the Senate proceed to the vote on adoption of the reconciliation/marriage tax relief conference report, without any intervening action, motion, or debate.

I further ask consent that following the disposition of the marriage tax relief conference report on Friday, the Senate immediately proceed to executive session in order to consider the following nominations, that they be considered en bloc, confirmed en bloc, the motions to reconsider be laid upon the table, the President be notified, and the Senate return to legislative session. Those nominations are:

Johnnie Rawlinson, to be a Ninth Circuit Judge; Dennis Cavanaugh, to be a district judge; John E. Steele, to be a district judge; Gregory Presnell, to be a district judge; and James Moody, to be a district judge.

If we can get an agreement, Senator DASCHLE and I are prepared to go forward with the Department of Defense appropriations bill. We don't have that yet, but we will try to clear that on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I thank Senator DASCHLE, Senator REID, and Senator COCHRAN for their help in this matter.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, the Senator from New York, Mr. MOYNIHAN, the ranking member of the Finance Committee, has been here. He checked with the minority and there is nobody on the minority side who wishes to speak tonight. The Senator will be here in the morning to lead the debate for the minority on the marriage tax issue. I wanted the RECORD to be clear because my friend, Senator ROTH, indicated that the ranking member would be here. He was here and he checked to see if anybody on our side wished to speak and nobody did. So he has departed from the Chamber.

MARRIAGE TAX RELIEF RECONCILIATION ACT OF 2000—CONFERENCE REPORT

Mr. ROTH. Mr. President, I submit a report of the committee of conference on the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001, and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 4810 have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD, of July 19, 2000.)

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Delaware is recognized.

Mr. ROTH. Madam President, tomorrow this Senate will approve the Marriage Tax Relief Reconciliation Act of 2000. This is a great victory for the American family—all of America's families. It is not one that has been won for America's families, as much as it has been earned by America's families.

This bill is the centerpiece of our efforts to reduce the tax overpayment by American taxpayers. It is fair, it is responsible, it is the right thing to do for American families. And it is long overdue that they receive it.

The provisions in this bill will help 45 million families. That is substantially every family in the U.S. Some of my colleagues have argued that almost half of those families—21 million families located in every state in this country—do not deserve any tax relief. I reject that. I reject it because in my home state of Delaware it would mean leaving over 30,000 families that contributed to our ever-growing budget surplus out of family tax relief.

Why should the family in which one spouse stays home to raise the children and keep the house not receive a tax break? Does that spouse not work? Do you imagine that spouse doesn't work just because she or he does not get paid? Does that family not count? They do in Delaware, they do in this country, and they do in this bill.

All of these American families have contributed to the record surplus that we have in Washington. They deserve to get some of it back. I believed that three months ago when I first unveiled this package. And I believe it even more so now in light of estimates recently released by the Congressional Budget Office.

Today's bill amounts to less than 5 percent of the total budget surplus over the next 5 years. That is less than a nickel on the dollar of our total budget surplus. It amounts to just 9 percent of the total non-Social Security surplus over the next five years. That is less than a dime on the dollar of the non-Social Security surplus. A nickel and a dime. By any comparison or estimation, this marriage tax relief is fiscally responsible. Those who dispute that are themselves seeking to ''nickel-and-dime'' America's families out of tax relief.

I would ask those who oppose this family tax relief: just how big will America's budget surplus have to get before America's families deserve to receive some of their tax dollars back? If not now, when? If just 5 percent of the budget surplus and just 9 percent of the tax overpayment is too big a refund, how little should it be? How long do they have to wait? How hard do they have to work? How large an overpayment do they have to make? How large a budget surplus do we need to have?

This bill is fair. We have addressed the three largest sources of marriage tax penalties in the tax code—the standard deduction, the rate brackets, and the earned income credit. And we have done so in a way that does not create any new penalties—any new disincentives in the tax code. We have ensured that a family with one stay-at-home parent is not treated worse for tax purposes than a family where both parents work outside the home. This is an important principle because these are important families.

Let's take a look at what all these families will receive under our bill—and just as importantly, let's look at when they will get it. First, our bill increases the standard deduction for married couples filing a joint return to twice the deduction for singles.

This benefit, which would reduce a couple's taxable income by $1,450, is effective for this taxable year. That's right—for the year 2000. That means when a couple files their tax returns this coming April, they will be able to see and feel the results of our work. This provision will benefit about 25 million taxpayers. As a result, I believe that we should call this bill the ASAP tax relief bill for America's taxpayers—tax relief for America's families now.

Now, I know that those who search for excuses to oppose tax relief will question the immediacy of this tax cut. Before they do, I would remind those people: it was not a problem for them to raise taxes retroactively seven years ago. And of course, when you are raising taxes retroactively, it is a big problem because people have already made their financial commitments. In contrast, giving people an immediate tax cut is only a problem if you object to letting people keep their money.

Second, our bill increases the 15 percent rate bracket for married couples so that it is twice the size of the corresponding rate bracket for singles. While we phase in this doubling, we begin the increase immediately. Taxpayers will receive a portion of the benefit as soon as possible—as soon as they file their year 2000 tax returns. And they will see the entire benefit—a total of over $1,100 per family—in the year 2004. This provision will help about 21 million taxpayers.

Third, our bill helps married couples who are receiving the earned income credit. We increase the beginning and ending points of the credit's income phase-out for these couples by $2,000. Just like the other provisions in the bill, we deliver this relief immediately—for the tax year 2000. The hard working families who receive the EIC will see the benefit as soon as they file their year 2000 tax returns. This provision helps almost four million families, including an expansion of the EIC to one million families who were previously ineligible for the credit because of their combined income.

Finally, our bill ensures that families will continue to receive their family tax credits. Congress has delivered a variety of tax credits to American families—credits like the child credit, the HOPE credit, the Lifetime Learning credit, the dependent care credit, and the adoption credit. This bill extends a temporary provision that carves out these credits from the ever-reaching grasp of the alternative minimum tax. Millions of families will also see this benefit. For them, this tax relief won't be an empty promise.

In any House-Senate conference, both sides are forced to make compromises. This one was no exception. I would like to have included the doubling of the 28 percent bracket as we did in the Senate and as 61 Senators supported. I think that these families deserve their full tax break as well. Even the Democratic alternative offered in the Senate accounted for these families by not completely phasing-out their relief until $150,000. I fought hard, but our colleagues in the House did not agree and they refused to budge. I also would

have liked to keep our earned income credit provision at $2,500. Once again, the House disagreed. But this is still a good bill and it still delivers the tax relief families have earned and deserve.

Despite the red flags thrown up by those who want to stand in the way of marriage tax relief, this bill actually makes the tax code more progressive. Families with incomes under $100,000 receive a tax cut under our bill that is proportionally higher than the amount of taxes they currently pay. In other words, their tax burden will fall.

Let's look at a few examples prepared by the Joint Committee on Taxation. First, let's take a married couple with two children earning $30,000. When this bill is fully effective, that couple would see a reduction in its taxes of over 143 percent. On the other hand, a two-child couple earning $100,000 would see its taxes drop by 11 percent, and a couple earning $200,000 would see its taxes drop by less than 4 percent.

This same dynamic holds true for a couple with no children. Under our bill, a couple earning $20,000 would see its taxes reduced by 28 percent; a couple earning $75,000 would have its taxes reduced by 16 percent, and a couple earning $100,000 would have its taxes reduced by 9.5 percent.

There is no honest way people can claim that this bill is tilted towards the rich. I believe that the real complaint of those who oppose this bill is not that it is tilted towards the rich—because it is not—but because it is tilted away from Washington. As a result, some of America's tax overpayment will flow back to America's families.

And while I would rather have seen the 28 percent bracket doubling included in the bill, its absence does do one thing. Its absence removes any excuse for the President not to sign this bill. If President Clinton does not sign this bill, then there is only one explanation. No matter how much the amount of surplus, no matter how much the size of the tax overpayment, no matter how high the overall tax burden, and no matter how much families deserve tax relief, it is all less important than the fact that Washington wants the money more. They are saying to America: those in the White House need your money more than the people in your house do.

With the passage of this bill, Congress has met every test that the President has set for tax relief. He wanted it to go to deserving people. Who could be more deserving than America's families? He wanted it to be fiscally responsible. What could be more fiscally responsible than using just a nickel on America's budget surplus dollar and a dime on its tax overpayment? He wanted it to be one provision and not part of a large package. How could it be smaller than the single proposal of family tax relief included here?

Every test, no matter how illusory, has been met. With this bill, President Clinton has run out of excuses for not giving American families tax relief. No more if's, and's, or buts. No more excuses. No more obstacles and no more conditions, this Senate will go on record tomorrow: Family tax relief now.

Madam President, the time for excuses has passed, the time for family tax relief has come. While President Clinton has been focused on international affairs, families across America have been waiting for us to make good on our promise. For President Clinton to make good on his promise. They have been patient. They are waiting for us to return some of this record surplus to them.

There is no reason, none whatsoever, that this bill, the ASAP tax relief bill for America's family taxpayers, should not be immediately signed. Let's approve the Marriage Tax Relief Reconciliation Act of 2000 and let's divorce the marriage tax penalty from the tax code once and for all.

Mr. REID. Madam President, I yield back the time of the minority tonight, leaving the equally divided half hour in the morning.

Mr. ROTH. Madam President, I will yield back whatever time is not used by the distinguished Senator from Kansas, who wishes to speak.

Mr. BROWNBACK. Madam President, I will need somewhere around 10 minutes to discuss the conference report. May I proceed at this time?

Mr. ROTH. I yield 10 minutes to the Senator from Kansas, and I will yield back the remainder of our time tonight.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Madam President, I thank the chairman of the Finance Committee for putting forward this legislation. This is the marriage penalty tax. It has been before this body. We passed it with 61 votes in favor of it, and 9 Democrats voted in favor of this bill. Almost the entire Republican side voted for this bill. Now we have a conference report in front of us.

I hope people will look at this and look at what is in the conference report. That is why I wanted to take some time to go through it. It is a 5-year package, $89 billion. I don't want people saying it is $250 billion or anything; it is an $89 billion package. It only hits the 15-percent tax bracket. There has been concern about the 28-percent bracket being hit. It doesn't include the 28-percent bracket. The House side has a 15-percent bracket in dealing with the marriage penalty but not the 28-percent bracket. So we went with the House side and said: OK, we will pull out the 28-percent bracket. So it is just that 15-percent bracket. It is phased in faster than the Senate bill that passed. It does continue to contain the earned-income tax provisions within it so that married couples who are currently being hit by a marriage penalty associated with the earned-income tax credit are no longer impacted by that.

This is an overall excellent bill that meets virtually everybody's suggestions that they were making about this bill. I hope we can get 100 percent support within the Senate for this bill.

It eliminates the marriage penalty built into the standard deduction effective back to the beginning of this year. It backs it up to the beginning of the year 2000. It widens the 15-percent bracket gradually so that joint filing is two times that of singles. It starts at the beginning of this year, and is fully effective by the year 2004.

In other words, we are taking that 15-percent bracket for two-wage earners, or spouses with combined incomes, or even only one spouse, and we are doubling the standard deduction. We are doing it up until 2004.

It increases the top phaseout amount of the earned-income tax credit—the provision I was talking about earlier—for joint filers by $2,000 effective to the beginning of this year; again, the beginning of the year 2000. It sunsets the tax relief provisions in accordance with the Byrd rule at the end of 2004. I want to make sure to point out that provision to people as well. This is a 5-year marriage penalty elimination for the 15-percent tax bracket and earned-income tax credit.

That is basically what the package is. I think it should contain more. I think we ought to have the 28-percent bracket as well on combined incomes. We couldn't get agreement to that in the House. We did on the 15-percent bracket.

I direct most of my statement tonight to the administration. This is going to pass. It is going to pass strong. We have had a lot of calls and contacts in our office from people saying: Of course you shouldn't tax marriage. Let's do away with this penalty. That is what we are simply pleading to the President.

After tomorrow morning when this passes with at least 61 votes, this will be on the administration's desk. It is up to the President and Vice President to determine whether they are going to sign this tax cut. Are we going to sign this tax correction and send to the American people, or are we going to veto it?

The President has been saying: OK. Send me prescription drugs and I will sign the marriage penalty. In the State of the Union Message, he said: Let's deal with the marriage penalty tax, and let's eliminate it. He didn't say then that you have to send this to me at the same time. He asked for a hundred things in the State of the Union Message. He didn't say they have to be linked together. I think he is hiding behind that issue rather than saying

whether he is for or against eliminating the marriage penalty within the Tax Code.

I call on the President to sign this for the American people. After tomorrow morning, the President and the Vice President and this administration are all that stands in the way of the American people being able to receive this correction within the Tax Code so people who are married don't pay more taxes than people who are single.

It simply makes equitable a situation for most people impacted by the marriage penalty; not all. It would be better if it dealt with everybody. It is a simple statement that we should not be taxing marriage. We have said that repeatedly. For most people impacted by the marriage penalty, this bill will deal with that situation. We will not be taxing people just for being married. Plus, I think it is just the right message to send across to the American public saying we think marriage is a valuable institution; it shouldn't be taxed. We think it is at the center of family values. Let's all say we are for it and that we shouldn't be taxing it.

Also, it gets around that iron rule in government that if you want less of something, tax it; if you want more of something, subsidize it. I don't think we want to tell the American public we want less marriage, and therefore we are taxing them.

This is the time for us to accomplish this.

I say in conclusion that this is going to pass, and it will pass large tomorrow morning. At least nine Democrats voted for it the last time. The only thing that stands in the way of this tax relief—this tax sanity, that we shouldn't be taxing marriage and the American public—is the President of the United States. Please, Mr. President, sign this bill.

This is good tax policy. This Congress is doing a number of things. We are getting them to the President. It is up to the President whether he will sign them into law.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. SESSIONS. Madam President, the Marriage Tax Relief Act that passed in the Senate previously and that has now come back to us from conference is a piece of legislation of historic importance. I would like to share a few thoughts with this body concerning why I think it is so important.

Not long ago a Harvard president wrote a book about the beginning of our Republic—the first 150 years. He said every piece of legislation that was considered and passed was debated on the principle of whether or not it would make the American people better as individual people, as human beings. It would encourage their self-reliance, their discipline, and their work ethic. It would encourage them to educate themselves and their families. It would make them more law abiding.

We know that public policy does, indeed, affect social policy and that actions have consequences. We know that a tax is a penalty. A tax is a detriment. When you tax something, you get less of it. In fact, that is why we tax cigarettes and beer more than we do food and medicine. We believe you can reduce certain activities to some degree by a tax. We now know if you subsidize an event, you get more of it.

Those are principles that I think are undisputed. How much I don't know. How much it affects any one single event in the life of a nation I don't know. But when you have over 200 million people making thousands and thousands and hundreds of thousands of decisions every day, every week, and every month of the year, penalties on one type of decisionmaking and a subsidy on another type of decisionmaking can affect what happens.

We are in the position that this great Nation through inadvertence, I suppose, has created a system that actually penalizes marriage. It, indeed, can be said to subsidize divorce.

I know a friend who got a divorce in January. I was told had they divorced in December it would have saved them $1,600 in tax dollars; the Federal Government would be prepared to subsidize that divorce. But had they married in December, it would have cost them on their tax return an additional $1,600; $1,600 is a lot of money.

The average family who pays this marriage tax penalty according to the best estimates pays around $1,400 more per year in taxes. That is $100 a month. That is real money for American families.

I want to say how excited I am that I believe we are on the verge of passing and sending to the President a bill that I trust he will feel quite comfortable signing—a bill to eliminate this bizarre penalty.

How much has it impacted marriage and families in America? I don't know. But we know this: Marriage and family is a good institution. It strengthens America through families. Traditions, stability, and education are ways of getting along in the world and transmitted partnerships occur. People live longer who are married, for the most part. It is a good institution. It is the institution that raises our next generation, trains them, and prepares them for the world.

It is such a delight and a thrill to know that we will, tomorrow, I am quite confident, vote to eliminate this penalty on one of America's most valuable institutions, the family. What a good day that is going to be. I look forward to it. I am going to celebrate it when it is signed, as I am confident the President will do. We will have made a major step in this body to strengthening one of America's greatest institutions, and that is the family.

HONORABLE NANCY EKSTRUM, MAYOR OF PHILIP

Mr. DASCHLE. Mr. President, on July 10, 2000, one of South Dakota's finest mayors stepped down after two decades of public service. Nancy Ekstrum, former city council member and mayor of the town of Philip for 12 years, provided thoughtful and decisive leadership for her community during a time of considerable change.

The first woman to lead Philip, Mayor Ekstrum began her service as mayor facing difficult issues that would be familiar to anyone who lives in a rural community. Poor quality water supplies made treatment expensive and difficult. An aging sewer system needed repair and road projects awaited completion. Meeting these challenges with a shrinking tax base and during a time of hardship for area ranchers required a sense of vision and tenacity. Most of all, it required a mayor who was willing to roll up her sleeves and put her heart and soul into finding creative solutions to difficult problems.

Nancy Ekstrum was just that kind of mayor. Under her leadership, the city built long-needed roads and made great strides toward providing its citizens with clean, healthy drinking water. When it became clear that the Mni Wiconi Rural Water System was still several years from reaching the community, Mayor Ekstrum rallied area residents to work with the congressional delegation to find an affordable interim solution to the city's water crisis. It is my hope that this project will be funded this year so that clean water will be Mayor Ekstrum's lasting legacy to the city.

On a more personal level, I will miss working with Mayor Ekstrum. Her advice on issues facing western South Dakota is always thoughtful and on target. I suspect that I will continue to turn to her long into the future for her thoughts and input as South Dakota faces the challenges of adapting a rural state to a global economy. I look forward to maintaining our strong friendship.

In conclusion, I simply would like to extend my congratulations to Mayor Ekstrum on her 23 years of service to her community. I am delighted that she plans to stay involved in education and will continue to make a difference for the youth of Philip. I wish her the best as she enters this new phase of her life.

LEAVE OF ABSENCE

Mr. REID. Mr. President, I ask unanimous consent that Senator MURRAY be granted leave from the business of the Senate from on today, July 20, and Friday, July 21. She is attending a funeral in Washington.

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

UNILATERAL ECONOMIC SANCTIONS: LESSONS LEARNED

Mr. LUGAR. Mr. President, the role of unilateral economic sanctions in the conduct of American foreign policy has been part of our debate in the Congress and in the executive branch for the past three years. Attempts to modify or reform the way the United States utilizes unilateral economic sanctions in the conduct of our foreign policy have consumed the attention of several committees, spawned numerous sanctions reform bills—including my own efforts—resolutions and amendments, generated a number of floor debates, stimulated countless discussions within this body and with the administration and prompted many press conferences and news releases. It even moved the distinguished Majority Leader to appoint an ad hoc bipartisan Senate task force to sort through the issue in the hopes of finding a policy path or sanctions that best promotes our national interest.

Outside the United States Government, virtually every think tank, university, trade association, and foreign policy association has invested time and resources to studying, analyzing and making recommendations on the subject of unilateral economic sanctions. This is as it should be. The subject is integral to our approach on foreign policy, national security and international trade.

I have been pleased that our debate and the large volume of literature have led to considerable re-thinking about the efficacy of unilateral economic sanctions. I have noted that the frequent resort to use of unilateral sanctions to achieve foreign policy goals has declined and that our sophistication about the inter-relationship between unilateral economic sanctions and policy has grown dramatically. One of the most important players in our debate over the past few years has been the unique coalition of some 675 export-oriented companies in the United States called USA*ENGAGE. They have been critical in helping to shape the debate on unilateral economic sanctions, a debate which continues virtually as I speak.

I recently read a short speech by Mr. William Lane who serves as the Chairman of the USA*ENGAGE trade association and the Washington Director of Caterpillar corporation titled ''USA*ENGAGE: Lessons Learned: The Cost of Conducting Foreign Policy on the Cheap.'' The remarks were offered at the French Institute on International Relations last month.

I believe my colleagues will find Mr. Lane's remarks insightful and informed so I ask unanimous consent that the full speech be printed in the RECORD.

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

REMARKS OF WILLIAM LANE: USA*ENGAGE: LESSONS LEARNED

THE COST OF CONDUCTING FOREIGN POLICY ON THE CHEAP

I very much appreciate the opportunity to discuss the issue of economic sanctions before such an influential audience. For the past four years I've been closely associated with the public policy effort known as USA*ENGAGE. Today, I'd like to talk about that effort—with specific focus on the lessons we've learned during what has turned into a rather remarkable campaign.

USA*ENGAGE was organized in reaction to a disturbing development: for much of this decade the United States has embraced an outdated policy tool—unilateral sanctions—to influence foreign governments. In fact, the U.S. has imposed sanctions with such vigor that by 1997 over half the world's population was the target of some form of economic punishment at the hands of the United States.

Recognizing that such sanction policies rarely work, are often counterproductive and almost always costly to other national objectives, U.S. business and agriculture felt compelled to challenge the wisdom of a sanctions-based foreign policy. Organized as USA*ENGAGE, the four-year-old effort has had a definite impact on how America's policymakers now view sanctions.

To appreciate the lessons learned, it is best to recall the scope of the problem. Put bluntly, with the end of the Cold War, many U.S. policymakers embraced the simplistic view that sanctions were the perfect compromise between doing nothing and taking military action.

So the United States sanctioned. It sanctioned South Korea and Saudi Arabia over labor rights; India and Pakistan for nuclear testing; Colombia for narcotics; and China for human rights abuses and environmental concerns. Citizens of Canada and Israel were sanctioned for doing business in Cuba. Egypt and Germany were threatened with sanctions because of concerns about religious persecution, as were companies in Russia, Malaysia and France for investing in Iran's petroleum sector.

How many sanctions were imposed? In 1997, the President's Export Council found that the U.S. was targeting unilateral sanctions against 73 countries, while the Congressional Research Service cited 125 measures authorizing unilateral sanctions.

Did the sanctions work? The Institute for International Economic concluded that less than one in five unilateral sanctions resulted in anything close to the desired result. However, the one thing unilateral sanctions have clearly done is to hurt U.S. interest—annually costing as many as 250,000 high-paying American jobs and reducing U.S. exports by about $19 billion.

From our perspective, sanctions also ran counter to the reality that in many developing countries American business represents one of the most progressive elements of society. By encouraging trade and investment abroad, America not only helps create jobs and higher living standards; if also promotes values that encourage political freedom, the rule of law, and respect for human rights. From better schools and health care to improved infrastructure and housing, commercial engagement can make a positive difference in the lives of millions.

At the same time, the positive contribution made by the many non-governmental organizations (NGOs) cannot be underestimated. While we recognize there are no guarantees in foreign policy, we've learned that for engagement to work, it needs to be pursued at many levels—political, diplomatic, economic, charitable, religious, educational, and cultural. Rather than view each other as adversaries, business and the NGO communities would be well served to be supportive of common objectives.

So, the strategy of USA*ENGAGE was to engage friend and foe alike in the sanctions debate. Our original hope was that 100 companies would join us. Clearly, this was an issue of great concern for the business community, as our membership quickly swelled to 675 companies.

Moreover, we engaged the academic community and think tanks. We engaged non-traditional business allies ranging from religious and humanitarian organizations to human rights groups. We engaged the Congress and Clinton Administration. We worked with the media and aggressively used the Internet to engage the public—building a web outreach program that was receiving 140,000 hits per month at its peak. With our encouragement, the sanctions issue even became the national college-debating topic.

To be frank, our message evolved with time. Initially we stressed what our experience told us was true:

(1) Unilateral sanctions don't work and can be costly;

(2) Engagement—when pursued at all levels—can be a strong force for positive change;

(3) Isolating a country from positive values and means of influence rarely gets results;

(4) Multilateral actions are almost always more effective than unilateral ones.

As the public debate continued, our views coalesced around one overriding theme: the United States cannot conduct an effective foreign policy on the cheap. Unilateral sanctions are not only the lazy man's foreign policy, but a symptom of a larger problem: a lack of recognition of the broad array of foreign policy tools—ranging from carrots to sticks—that are available.

Sanctions—even unilateral ones—at times may be necessary, but other foreign policy tools must be part of the equation. These include the Foreign Service. USAID, military and intelligence agencies, as well as multilateral institutions like the UN, World Bank, IMF and WTO. But for these tools to work, U.S. leadership, commitment, and funding is essential.

The problem with unilateral sanctions is that they often cut off American influence and hurt the very people the U.S. is trying to help. We don't think it is an accident that the countries the United States has attempted to isolate the most—Cuba and North Korea—have changed the least over the past 40 years.

The efforts of USA*ENGAGE have prompted a reexamination of many U.S. sanction policies. Sanctions have been lifted against Colombia, Vietnam, and both South and North Korea. The U.S. has rejected sanctions against Mexico, Indonesia, Russia, Malaysia and France and waived sanctions against

India and Pakistan. Earlier this week, the U.S. Supreme Court, in a rare unanimous vote, ruled that state and local sanctions are unconstitutional. There has even been movement toward engaging Cuba, with legislation now moving in the Congress that would open the door to U.S. shipments of food and medicine.

While a few new sanctions—Burma and Sudan—have been imposed in recent years, it is clear that policymakers view unilateral sanctions in a more critical light. It is important to note that last year, and so far this year, the United States has not imposed any unilateral sanctions of note. This is a far cry from 1996, when USA*ENGAGE was organized. In that year alone, according to the National Association of Manufacturers, the U.S. imposed 23 unilateral sanctions, including two measures—the Helms-Burton Act and the Iran-Libya Sanctions Act—that were unusually onerous in that extraterritorial sanctions were authorized.

For our part, business now sees value in supporting issues that it previously ignored—such as encouraging America to pay its UN arrears and ensuring that the IMF and Foreign Service are adequately funded.

Under the leadership of foreign policy and trade experts like Senators LUGAR, KERREY and HAGEL and Representatives CRANE, DOOLEY and MANZULLO, there is a serious effort in Congress to enact legislation that would put in place a more deliberate process to use when the U.S. considers new unilateral sanction proposals. Known as The Sanctions Process Reform Act, this common sense legislation is a good bill and should be enacted.

While this legislation is important, it won't be new laws that stop policymakers from adopting new unilateral sanctions rather than pursuing more effective multilateral actions. Nor will new laws ensure that our leaders recognize the full power of engagement and the risks associated with isolation. That is why we must continue to be vigilant and keep U.S. foreign policymakers on a path that included multilateral solutions to international problems.

What will ultimately change America's sanctions-base foreign policy will be Americans who—armed with the facts—demand a more effective foreign policy. To that end, the ultimate success of USA*ENGAGE will depend on whether the lessons learned are reinforced by a commitment from our leaders to refrain from conducting foreign policy on the cheap.

As a conclusion, I'd like you to note that perhaps the most telling event to illustrate the evolution of U.S. sanctions policy took place earlier this week. The decision this week by President Clinton to drop many of the U.S. sanctions that have been in place against North Korea for nearly a half a century was indeed profound. What better way to mark the 50th anniversary of the Korean War than to finally make significant progress towards ending the Cold War on the Korean Peninsula?

The United States should now further follow the lead of South Korea, as we too face an opportunity to ease tensions with a hostile neighbor. America can learn from the Koreans by opening a dialogue with the government of Cuba. Engagement is working throughout the world—it can work in our backyard too. Perhaps that will be the greatest lesson we have yet to learn.

Thank you.

BANKRUPTCY REFORM

Mr. HATCH. Mr. President, I want to take a brief moment to speak on bankruptcy reform legislation, which in my view, our Nation desperately needs. We have a balanced bankruptcy reform bill. The administration is on record as saying they support it. If the President really wants a bill, and if my colleagues in the Senate really want a bill, then they should let us move to a formal conference. Furthermore, they should tell us why the clinic violence provision is even necessary.

Current law already prevents perpetrators of clinic violence, as well as other types of violence, from discharging the judgments against them in bankruptcy. Given this, it is clear that the overbroad abortion clinic violence amendment serves no substantive purpose. No one has brought forth a single case in which current law has been used to discharge debts from clinic violence. I raised this issue in a letter to Senator SCHUMER last week, and am still awaiting a response.

Let's move forward with a bankruptcy conference—we have waited long enough.

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

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 13, 2000.

Hon. CHARLES SCHUMER
Hart Senate Office Building, Washington, DC.

DEAR CHUCK: I am writing you regarding your clinic violence amendment to the bankruptcy reform legislation. This amendment appears to be one of the final remaining issues holding up the overdue reform our bankruptcy laws truly need to both stop the abuse of the system by those who are able to pay back a portion of their debts and to implement new consumer protections such as enhanced credit card disclosures, which you played a major role in drafting.

I respect your views and the general objective of your amendment to prevent criminals from paying their debts to society or to others by using our bankruptcy laws. Furthermore, I am committed to addressing any legitimate abuse of our bankruptcy laws. However, I am concerned that some who oppose the broadly supported proposed reforms have capitalized on the issue of abortion clinic violence and have spread some misconceptions regarding this issue. Such misconceptions, unfortunately, appear to be jeopardizing passage of the important bankruptcy reform legislation.

For example, in a document circulated by one of our colleagues, it was represented that "[t]he Schumer amendment prevents a documented abuse of the bankruptcy system. . . ." and the compromise language that is in the conference report "would continue to allow many perpetrators of clinic violence to seek shelter in the nation's bankruptcy courts."

There has not been a single case reported or presented where the current bankruptcy laws were held to allow a perpetrator of clinic violence to "seek shelter in the nation's bankruptcy courts," nor is this a "documented abuse" of the system. On the contrary, when those who have committed violence have tried to hide behind the bankruptcy laws, they have found their debts were non-dischargeable under current bankruptcy law. Given this, I do not think that the amendment you offer is necessary.

Indeed, the abortion rights group NARAL recognized in a 1999 publication that "[c]oncluding that clinic violence-associated debts are non-dischargeable under section 523(a)(6) is consistent with the Supreme court's interpretation of [current bankruptcy law's] "willful and malicious injury." Therefore such true debts are non-dischargeable.

Even given such interpretation of current law, and though the House-passed bill had no abortion-related provision, the current reform legislation goes further and incorporates compromise language that would expand current law and further make debts arising from willful and malicious threats also non-dischargeable. This is done in a politically neutral manner and protects debts from all threats of injury irrespective of the political message of the protestors. In addition, knowing that one of your biggest concerns regarding this subject is the ability of perpetrators to avoid debts arising from settlement or contempt orders, the compromise language specifically covers debts from settlement orders and violations of other orders of the court.

I appreciate your consideration of these points and would welcome any response you might have.

Sincerely,

ORRIN G. HATCH,
Chairman.

CHANGES TO H. CON. RES. 290 PURSUANT TO SECTION 213

Mr. DOMENICI. Mr. President, section 213 of H. Con. Res. 290 (the FY2001 Budget Resolution) permits the Chairman of the Senate Budget Committee to make adjustments to the revenue aggregate, the reconciliation instructions, and the Senate pay-as-you-go scorecard, provided certain condition are met.

Pursuant to section 213, I hereby submit the following revisions to H. Con. Res. 290:

Current Revenue Aggregate: (sec. 101(1)(A))—FY 2001 Recommended Level of Federal Revenues	$1,503,200,000,000
Adjustment: Additional reduction in revenues	−5,000,000,000
Revised Revenue Aggregate: FY 2001 Recommended Level of Federal Revenues	1,498,000,000,000
Current Reconciliation Instruction: (sec. 104(2))—Reduce revenues by no more than	11,600,000,000 in 2001, 150,000,000,000 in 2001–05
Adjustment: Additional reduction in revenues	5,000,000,000 in 2001
Revised Reconciliation Instruction: Reduce revenues by no more than	16,600,000,000 in 2001 150,000,000,000 in 2001–05
Current Senate Pay-as-you-go Scorecard: FY 2001 beginning balance	26,509,000,000
Adjustment: Additional balance added to scorecard	5,000,000,000
Revised Senate Pay-as-you-go Scorecard: FY 2001 beginning balance	31,500,000,000

VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

July 20: Earl Lee Bannister, 23, Washington, DC; Charles L. Barre, 33, New Orleans, LA; Chastity Calhoun, 2, New Orleans, LA; Kevin Calhoun, 27, New Orleans, LA; James Fien, 41, Rochester, NY; Derrick Ginn, 25, New Orleans, LA; Carl Hamilton, 24, Baltimore, MD; Michael Harrell, 48, Dallas, TX; Anthony Hudson, Detroit, MI; Darryl Newhouse, 40, Oakland, CA; Damian Nix, 23, Pittsburgh, PA; Jacqueaz H. Solomon, 22, Chicago, IL.

TAKE CONCRETE ACTION ON CHECHNYA AT THE G–8 SUMMIT

Mr. WELLSTONE. Mr. President, I rise today to once again draw attention to the continuing war in Chechnya. This war has raged for too long. The war in Chechnya from 1994–1996 left over 80,000 civilians dead, and the Foreign Relations Committee has received credible evidence that the current war has again resulted in the death of thousands of innocent civilians and the displacement of well over 250,000 others. The committee also received credible evidence of widespread looting, summary executions, detentions, denial of safe passage to fleeing civilians, torture and rape, committed by Russian soldiers. Colleagues, regardless of the politics of this war, this kind of behavior is unacceptable. War has rules, and the evidence and testimony the Foreign Relations Committee received raises serious doubts as to whether or not the Russian Federation is playing by those rules. Much of the evidence we received showed clear violations of international humanitarian law, including the well-established Geneva Convention.

Tomorrow is the official opening of Group of Eight Summit in Japan. The President must use this opportunity to relay our serious concerns with the actions of the Russian Government in Chechnya. Let's remember, what was the Group of Seven and became the G–8 with the inclusion of the Russian Federation, is an association of democratic societies with advanced economies. Although Russia is not yet a liberal democracy or an advanced economy, it was invited to take part in this group to encourage its democratic evolution. Today as I watch Russia refuse to initiate a political dialogue with the Chechen people, and continue to deny international humanitarian aid organizations and international human rights monitors access to Chechnya, I must question that evolution.

I am disappointed that the Group of Eight will not include the situation in Chechnya on is formal agenda, but I am hopeful that the President will voice our serious concerns about Russia's conduct in Chechnya and take concrete action to demonstrate our concern, during bilateral talks with President Putin.

The United States should demand that the Russian Federation push for a negotiated, just settlement to this conflict. The conflict will not be resolved by military means and the Russian Federation should initiate immediately a political dialogue with a cross-section of representatives of the Chechen people, including representatives of the democratically elected Chechen authorities. The United States should remind the Russian Federation of the requests the Council of Europe for an immediate cease-fire and initiation of political dialogue, and of Russia's obligation to that institution and the Organization for Security and Cooperation in Europe.

And colleagues, the President must also remind the Russian Federation government of its accountability to the international community and take steps to demonstrate that its conduct will effect its standing in the world community. This body and the U.N. Human Rights Commission has spoken out demanding the Russian government allow into Chechnya humanitarian agencies and international human rights monitors, including U.N. Special Rapporteur, yet the Russian government has not done so. This body and the international community has also demanded that the Russian Federation undertake systematic, credible, transparent and exhaustive investigations into allegations of violations of human rights and international humanitarian law in Chechnya, and to initiate, where appropriate, prosecutions against those accused. But again, the Russian Federation has not done so.

During his meeting with President Putin, the President is expected to discuss economic reform in Russia and regional stability issues. President Clinton must relay to the Russian President that Russia's conduct in Chechnya is not only in violation of international humanitarian law, but that it threatens Russia's ability for economic reform and creates instability in the region. And President Clinton must make clear to President Putin that while the United States fully supports the territorial integrity of the Russian Federation, and is fully aware of the evidence of grave human right violations committed by soldiers on both sides of the conflict, we strongly condemn Russia's conduct of the war in Chechnya and will continue to publicly voice our opposition to it. President Clinton should tell President Putin that the United States will take into consideration Russian conduct in Chechnya in any request for further rescheduling of Russia's international debt and U.S. assistance, until it allows full and unimpeded access into Chechnya humanitarian agencies and international human rights monitors, in accordance with international law.

Colleagues, the war in Chechnya has caused enormous suffering for both the Chechen and Russian people, and the reports of the grave human rights violations committed there, on both sides of the conflict, continue daily. We must raise our concerns about the war in Chechnya at every chance and in every forum possible, including the G–8 Summit. I remind you again that the Group of Eight is an association of democratic societies with advanced economies—the Group of Seven invited the Russian Federation to encourage its democratic evolution. It is not yet a liberal democracy or an advanced economy. By not taking concrete steps during this Summit to demonstrate to the Russian Federation that its conduct is unacceptable for a democratic nation, is to condone it. I fear we have already put given human rights a back seat to economic issues by not placing Russian conduct in Chechnya on the formal agenda of the G–8 Summit. I hope that will not be the outcome of our bilateral talks with Russia in Japan.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, July 19, 2000, the Federal debt stood at $5,678,196,782,955.74 (Five trillion, six hundred seventy-eight billion, one hundred ninety-six million, seven hundred eighty-two thousand, nine hundred fifty-five dollars and seventy-four cents).

One year ago, July 19, 1999, the Federal debt stood at $5,628,493,000,000 (Five trillion, six hundred twenty-eight billion, four hundred ninety-three million).

Five years ago, July 19, 1995, the Federal debt stood at $4,932,430,000,000 (Four trillion, nine hundred thirty-two billion, four hundred thirty million).

Ten years ago, July 19, 1990, the Federal debt stood at $3,163,599,000,000 (Three trillion, one hundred sixty-three billion, five hundred ninety-nine million).

Fifteen years ago, July 19, 1985, the Federal debt stood at $1,796,183,000,000 (One trillion, seven hundred ninety-six billion, one hundred eighty-three million) which reflects a debt increase of

almost $4 trillion—$3,882,013,782,955.74 (Three trillion, eight hundred eighty-two billion, thirteen million, seven hundred eighty-two thousand, nine hundred fifty-five dollars and seventy-four cents) during the past 15 years.

ADDITIONAL STATEMENTS

MR. SPARKY ANDERSON INDUCTED INTO BASEBALL HALL OF FAME

• Mr. ABRAHAM. Mr. President, I rise today to recognize Mr. George Lee ''Sparky'' Anderson, who will be inducted into the National Baseball Hall of Fame Museum in Cooperstown, New York on July 23, 2000. Mr. Anderson spent 26 seasons as a manager in the Major Leagues, 17 of these with the Detroit Tigers. During this time, he was recognized not only as one of the best managers in the game of baseball, but also as one of the best ambassadors for the game of baseball.

Mr. Anderson was born on February 22, 1934, in Bridgewater, South Dakota. Upon graduation from high school, he signed with the Brooklyn Dodgers. He spent six years in the minor leagues before being called up to the major leagues by the Philadelphia Phillies in 1959. He was the regular second baseman for the Phillies that year, and was recognized as an intelligent, hustling player. He had a batting average of .218, 0 home runs and 34 runs batted in. He earned the nickname ''manos de oro'' from his teammates: ''the man with the golden hands.''

As it turned out, 1959 was the only year Mr. Anderson spent in the major leagues as a player. He never left the game of baseball, though, and in 1964 he became the manager of a minor league team in Toronto. In 1969, he accepted a coaching position with the San Diego Padres, and prior to the 1970 season the Cincinnati Reds named him as their manager.

It quickly became apparent that managing suited Mr. Anderson well. Not only did it provide him with the opportunity to utilize his immense knowledge of the game of baseball, it also highlighted his ability to relate to and motivate players. Hall of Famer Joe Morgan, a member of the Reds during Mr. Anderson's years there and now a wonderful and respected baseball commentator, once said, ''Sparky had a way of making everybody look in the mirror at themselves. As far as I'm concerned, that's the key to being a good manager.''

Under Mr. Anderson's guidance, the Reds became the dominant team of the 1970's. The team became known as The Big Red Machine for its ability to produce runs, led by such great offensive players as Morgan, Pete Rose, Johnny Bench, Tony Perez and Ken Griffey, Sr. Mr. Anderson earned the nickname ''Captain Hook'' for his innovative employment of relief pitchers, which was not the common practice of the time. This combination of offense and strategic wizardry proved to be lethal for opponents. In his first year with the team, the Reds won 102 games and the National League Pennant. From 1972–76, the Reds averaged more than one hundred wins per season, won three more National League pennants, and won back-to-back World Series Championships in 1975 and 1976.

After nine years in Cincinnati, Mr. Anderson came to the Detroit Tigers in 1979. The Tigers were struggling at the time, but possessed a core of young, talented players, including Jack Morris, Lou Whitaker, Alan Trammell and Lance Parrish. Mr. Anderson molded this group of unique personalities into a team of champions. In 1984, just five years after his arrival, the team started 35–5—still the best 40-game start in the history of Major League Baseball—and never stopped their winning ways, ultimately bringing the Detroit Tigers their first World Series Championship since 1968. Very few people in the City of Detroit have forgotten Kirk Gibson's home run off the San Diego Padres' Goose Gossage in the eighth inning of Game 5, the hit which sewed up the series for the Tigers.

Mr. Anderson retired from managing the Tigers in 1995, having led the team to one more pennant win in 1987. Ultimately, in his 26 seasons as a Major League manager, nine with the Reds and 17 with the Tigers, his teams won 2,194 games, placing him third all-time, behind just Connie Mack and John McGraw. He was named Manager of the Year three times, twice in the National League and once in the American League. He is the only manager in the history of the game to win a World Series in both the American and National Leagues; he is the only manager to win 100 games in one season in both leagues; and he is the only manager to have over six hundred career victories in each league. His 34–21 mark in the postseason remains the best winning percentage for a manager in Major League history.

During his seventeen years in Detroit, Mr. Anderson became an important member of the community, and not because his position as Manager of the Detroit Tigers. His involvement with many charitable organizations led him to found his own in 1987. The organization is called CATCH, Caring Athletes Team for Children's & Henry Ford Hospitals, but is better known as ''Sparky Anderson's Charity for Children.'' The mission of CATCH is to improve the quality of life of pediatric patients at Children's & Henry Ford Hospitals in the State of Michigan. Since its inception, CATCH has issued grants to Children's Hospital of Michigan and Henry Ford Hospital of Detroit for approximately $1.4 million. In addition, the charitable organization has built an endowment of $4.5 million. When he founded CATCH, Mr. Anderson said ''there is nothing in this world that you will ever do that's better than helping a child.'' The growth of this endowment will allow ''Sparky Anderson's Charity for Children'' to continue helping children long into the future.

I thank Mr. Anderson for all that he has done for the City of Detroit and the State of Michigan. He spent his life in baseball quite simply because he loved the game, and he has never stopped believing that he is indebted to the game for the doors it opened for him, and the life it afforded him. Perhaps his greatest accomplishment, then, is having successfully given back to the game of baseball more than it gave to him, because he certainly has done this. He stands out as one of the best ambassadors for baseball in the history of the game, a sports figure who managed to give as much to his community as he did to his team. I know that he is loved and revered in the State of Michigan not only because of the World Series championship he helped bring to the City of Detroit in 1984, but also because of the manner in which he handled himself over the course of his seventeen years there. He became an important part of the Detroit community—his place there transcended wins and losses.

I am sure that Mr. Anderson will enjoy this special occasion with his wife, Carol, who has been with him through the entire journey, and their family. On behalf of the entire United States Senate, I congratulate Mr. Sparky Anderson on his induction into the National Baseball Hall of Fame this weekend. Though he will enter the Hall wearing a Cincinnati Reds uniform, I know that the Detroit Tigers, the City of Detroit and the State of Michigan will always hold a special place in his heart, just as Sparky continues to hold a special place in the hearts of millions of Michiganians.•

26TH ANNIVERSARY OF TURKEY'S INVASION OF CYPRUS

• Mr. REED. Mr. President, I rise today to acknowledge the 26th anniversary of the Turkish invasion and occupation of Cyprus. Twenty-six years ago today, Turkey seized on a period of political unrest in predominantly Greek Cyprus and invaded its shores. Landing on the north coast of Cyprus with 6,000 troops and 40 tanks, nearly 40 percent of the island was in Turkish control in less than a month, displacing 200,000 Greek Cypriots from their homes. Today, there are still more than 1,600 Greek Cypriots who remain unaccounted for, serving as silent reminders of the unlawful invasion. Turkey continues to defy the international community and United Nations' Resolutions with its policy towards Cyprus,

keeping more than 30,000 troops in the north of the island.

I believe that if we want to see future progress in resolving the injustices of a divided Cyprus, the United States, European and international organizations must put further pressure on the government in Ankara. It is Turkey's military and financial backing that provides the leverage for the Turkish Cypriot leadership and its unwillingness to make any compromises. Late last year, the European Union accepted Turkey as a candidate for admission into the 15-nation economic bloc. The EU has indicated that resolution on the Cyprus matter is a key condition to Turkey's membership, and it has outlined specific economic and humanitarian standards that must be accomplished. One such condition is an end to restrictions on the human rights of Greek Cypriots living in the occupied northen region. I was pleased to cosponsor my colleague Senator SNOWE's Concurrent Resolution 9 to bring attention to this issue.

Greece and Turkey are critical members of the NATO alliance and have both been key allies to the United States, supporting our operations in the Balkans and no-fly zones over Iraq. We know the two nations can work together in times of crisis. Last fall, following a massive earthquake in Turkey, Greece was among the first to send aid. Greek rescue teams helped pull Turkish victims from the rubble. Then Greece endured its own deadly quake and Turkey was quick to respond, saving many Greek lives. These examples of bilateral cooperation should also be employed by Greek and Turkish Cypriot leaders to demilitarize the island and establish a unified Cyprus with constitutional guarantees for all Cypriots regardless of ethnicity.

A new round of proximity talks began on July 5, 2000 between Greek and Turkish Cypriot leaders in Geneva, Switzerland. These talks recessed on July 12 but will resume again in early August. Little information has been available due to the mutual observance of a press blackout. However, I hope that these talks will initiate commitments by both sides to come to an agreement.

In the past few years we have seen remarkable progress on seemingly intractable international conflicts. Northern Ireland is closer to peace than any time in history and whatever the outcome of the current Middle East Summit, just the fact that Prime Minister Barak and Palestinian leader Yasser Arafat have been talking for nine days is of great historic significance. I believe the people of Cyprus want and deserve the same opportunity. This year, the Senate version of the FY01 Foreign Operations Bill again appropriates $15 million to reduce tensions, promote peace and cooperation between the two communities. However, I think we can do more. It is my hope that my colleagues and the Administration will commit to actively assisting the parties in resolving the situation in Cyprus. Then we can commemorate the reunification rather then the division of this Nation.●

SPECIAL OLYMPICS ANNIVERSARY

● Mr. GRAMS. Mr. President, I rise today to pay tribute to Special Olympics on the anniversary of their first games, held in Chicago on July 20, 1968. With the motto ''Let me win, but if I cannot win let me be brave in the attempt,'' Special Olympics has for more than 20 years been providing challenges and opportunities for individuals with mental retardation.

I want to take this opportunity to commend the numerous ways Special Olympics helps not only the athletes who participate, but also their families and friends and the many volunteers who have made the program such a success.

Special Olympics plays an important role in the lives of many of the mentally challenged throughout the world, including my home state of Minnesota. Since the start of Special Olympics, the organization has grown to include more than 1.7 million athletes worldwide, with 3,300 in Minnesota.

Special Olympians compete in a variety of events at all skill levels. Competitions in events such as basketball, golf, figure skating, and gymnastics enhance the lives of all participants and the families who root for them from the stands. These athletes start training as early as age six, with some participants in Minnesota competing into their sixties. Special Olympics athletes can compete in as many events as they choose.

Not only does Special Olympics hold annual competitions, but the organization helps participants train year round for their events. This encourages Special Olympic participants to develop physical fitness and generally helps improve their quality of life.

The Special Olympics would not be possible without the devoted volunteers who lend their time and effort to this worthwhile cause. There are over 1,700 volunteers in Minnesota who serve as coaches, officials, teachers, and in other capacities. I want to thank all who take time out of their schedule to volunteer through Special Olympics.

Mr. President, it is an honor to be able to recognize the accomplishments of the Minnesotans involved in Special Olympics. This organization deserves recognition for all they do and the positive impact they have on the lives of our Special Olympians.●

BREAST CANCER RESEARCH STAMP

● Mrs. FEINSTEIN. Mr. President, I wish to submit for the RECORD letters from two young children in support of the Breast Cancer Research Stamp. These children, Brendon Fisher, age 6 and a half, and Paige Fisher, age 8 and a half, are the nephew and niece of Betsy Mullen, Chairperson of the Women's Information Network—Against Breast Cancer. These letters eloquently state why it is so important to continue this program.

The letters follow.

JULY 16, 2000.

Dear Congress, I think it's very important to keep the stamp because if we don't every girl is going to worry about it or maybe get breast cancer. But if we keep it we will get money to cure to stop it. My Aunt Betsey risked her life on it and I'm proud of her. If you think about it no one likes it because you can die from it. I think, and a lot of other people agree with me, that it would be best to keep the stamp and then things will go perfect. Hope my letter makes a difference because not just me is counting on this.

By Paige Fisher, 8½ years old.

Dear Congress, girls and boys can get breast cancer and I don't want girls and boys and the president and his wife, cat and dog to get sick. Keep the stamp going.

From Brendon Fisher.●

THE DEATH OF TOM MALONEY

● Mr. ROTH. Mr. President, I rise today to mark the passing of Tom Maloney.

Tom was the former mayor of Wilmington—Delaware's largest city.

I am deeply saddened by the death of my friend, Tom. I talked to Tom just last week. During his long battle with cancer, his spirit remained unbroken. To the very end, Tom was full of life and bullish on the future.

Tom was a loving husband and father, as well as a committed public servant. His care and concern for the residents of his city of Wilmington, and for the people of Delaware, were unmatched. As mayor, Tom led the effort to bring more people, more jobs, and more development to Wilmington. In many ways, Tom was the originator of the downtown renaissance that continues today.

Tom was my opponent in the 1976 race for the U.S. Senate. He was a worthy adversary, but an even better friend. In that unique Delaware tradition of Return Day, Tom and I ''buried the hatchet'' and forged a friendship that flourished for the next 25 years. Tom and I continued to work together on projects and issues important to Wilmington and to all Delawareans. The people of the First State owe Tom Maloney a debt of thanks for all he has done.

My thoughts and prayers are with his wife, Linda, and the rest of the Maloney family.●

NECESSARILY ABSENT

● Mr. KERRY. Mr. President, due to important family obligations, I was

necessarily absent this evening during votes on the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation bill for fiscal year 2001.

Mr. President, were I present, I would have voted for Senator WELLSTONE's amendment, number 3919.

Further, were I present, I would have voted for Senator SPECTER's amendment, number 3958. I am a cosponsor of the amendment. It corrects an inadvertent error in the 1997 Amtrak Reform and Accountability Act of 1997 that prevents Amtrak from leasing automobiles from the General Services Administration. The amendment will enable Amtrak to continue leasing such vehicles until 2003.

Further, were I present, I would have voted to find Senator DURBIN's amendment, number 3980, germane. I am a cosponsor of the amendment. The Agriculture Appropriation bill includes a rider that would block efforts to reform the hardrock mining industry, which has caused and continues to cause substantial environmental damage to public lands. Senator DURBIN's amendment would have allowed needed reforms to proceed. I have submitted an additional statement on this issue into the RECORD.

Finally, were I present, I would have voted for final passage of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriation bill for fiscal year 2001.●

● Mrs. MURRAY. Mr. President, I want to thank Senator REID for requesting a leave of absence for me for the duration of this week. I am traveling home today to attend and speak at tomorrow's memorial service for Mr. Bernie Whitebear, of Seattle, Washington, who passed away at the age of 62 on Sunday, July 16, 2000.

Earlier in the week, I did have a statement for the CONGRESSIONAL RECORD about Bernie Whitebear and his many contributions to Washington state. He was a special man to my constituents. He was a special man to me. Bernie helped me understand Native American cultures from the inside as a participant not as someone sitting on the sidelines. On many occasions, Bernie exposed me to the sense of community and respect that he was always so proud of. Washington state will miss this great man and clearly, it is appropriate for me to be with my constituents tomorrow to celebrate Bernie Whitebear.

I thank my colleagues for their consideration and courtesies and I will have a longer statement next week to discuss Senate floor votes.●

HONORING JOSEPH M. GATT

● Mr. REID. Mr. President, I rise today to recognize a distinguished citizen of Nevada, Joseph M. Gatt. Mr. Gatt's vision and innovation paved the way for millions of Americans to be able to secure a comfortable retirement. Nearly twenty-five years ago, he was instrumental in developing the prototype that was used for what ultimately became the 401(k) pension program.

Mr. Gatt has been a resident of Las Vegas, Nevada for almost forty years and was a pioneer in the field of financial planning. He worked as the Las Vegas agent for the Hartford Insurance Company when he initiated the new pension program for the benefits of the employees of the then MGM Grand Hotel in Las Vegas. The key to the program was the utilization of an existing IRA program on a joint funding basis; that is, with contributions from both the employer and the employees, which had never been done before. The incentive to the employee to contribute to the program was, of course, that the contribution was tax deductible. The Hartford program was so unique that it was necessary for the Internal Revenue Service (IRS) to approve it. On August 25, 1976, the IRS gave final approval for the Hartford program, and it went into effect immediately. Features of this pension plan included portability, 100 percent vesting whether or not the employees remained at MGM Grand, and generous company contibutions. Indeed, Mr. Gatt and the MGM Grand were ahead of their time.

The Las Vegas resorts of Caesar's Place and Circus Circus Hotels soon followed suit. Today, 401(k) plans are an almost standard part of benefit packages for employees. According to Cerrulli & Associaties, a marketing and research firm, there were 330,000 401(k) plans in the United States during the last quarter of 1999 in which $2.7 trillion were invested. The creation of this now universally accepted and acclaimed program is a considerable credit to the State of Nevada, the gaming industry for being the first employer participants, and Joe Gatt for his insight and vision. On behalf of the citizens of Nevada and all Americans, I congratulate Mr. Gatt on this achievement and wish him continued success.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, 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.)

REPORT ON THE DISTRICT OF COLUMBIA'S FISCAL YEAR 2001 BUDGET REQUEST ACT—MESSAGE FROM THE PRESIDENT—PM 121

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs.

To the Congress of the United States:

In accordance with section 202(c) of the District of Columbia Financial Management and Responsibility Assistance Act of 1995 and section 446 of the District of Columbia Self-Governmental Reorganization Act as amended in 1989, I am transmitting the District of Columbia's Fiscal Year 2001 Budget Request Act.

The proposed FY 2001 Budget reflects the major programmatic objectives of the Mayor, the Council of the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority. For FY 2001, the District estimates revenue of $5.718 billion and total expenditures of $5.714 billion, resulting in a budget surplus of $4.128 million.

My transmittal of the District of Columbia's budget, as required by law, does not represent an endorsement of its contents.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 20, 2000*.

MESSAGES FROM THE HOUSE

At 12:17 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1102. An act to provide for pension reform, and for other purposes.

H.R. 4118. An act to prohibit the rescheduling or forgiveness of any outstanding bilateral debt owed to the United States by the Government of the Russian Federation until the President certifies to the Congress that the Government of the Russian Federation has ceased all its operations at, removed all personnel from, and permanently closed the intelligence facility at Lourdes, Cuba.

The message also announced that the House disagrees to the amendment of the Senate to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. PORTER, Mr. YOUNG of Florida, Mr. BONILLA, Mr. ISTOOK, Mr. MILLER of Florida, Mr. DICKEY, Mr. WICKER, Mrs. NORTHUP, Mr. CUNNINGHAM, Mr. OBEY, Mr. HOYER, Ms. PELOSI, Mrs. LOWEY, Ms. DELAURO, and Mr. JACKSON of Illinois, as the managers of the conference on the part of the House.

At 1:05 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated.

H.R. 4118. An act to prohibit the rescheduling or forgiveness of any outstanding bilateral debt owed to the United States by the Government of the Russian Federation until the President certifies to the Congress that the Government of the Russian Federation has ceased all its operation at, removed all personnel from, and permanently closed the intelligence facility at Lourdes, Cuba; to the Committee on Foreign Relations.

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–9834. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model 300–600 Series Airplanes; docket no. 98–NM–164 [6–19/6–22]'' (RIN2120–AA64 (2000–0341)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9835. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: SAAB Model SAAB SF340A and 340B Series Airplanes; docket no. 2000–NM–25 [6–19/6–22]'' (RIN2120–AA64 (2000–0342)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9836. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Series Airplanes; docket no. 2000–NM–78 [6–19/6–22]'' (RIN2120–AA64 (2000–0343)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9837. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767 Series Airplanes; docket no. 99–NM–182 [6–19/6–22]'' (RIN2120–AA64 (2000–0344)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9838. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Dassault Model Falcon 2000 Mystere-Falcon 900 Falcon 900EX Fan Jet Falcon Mystere series Airplanes; docket no. 2000–NM–56 [6–15/6–22]'' (RIN2120–AA64 (2000–0336)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9839. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Saab Model SAAB SF340A and 340B Series Airplanes; docket no. 99–NM–51 [6–15/6–22]'' (RIN2120–AA64 (2000–0337)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9840. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes; docket no. 2000–NM–64 [6–15/6–22]'' (RIN2120–AA64 (2000–0338)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9841. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: P & W PW4000 Series Turbofan Engines; docket no. 98–ANE–66 [6–15/6–22]'' (RIN2120–AA64 (2000–0339)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9842. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Fireworks Display, Pier 54, Hudson River New York (CGD01–00–145)'' (RIN2115–AA97 (2000–0032)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9843. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Arrival of Sailing Vessel AMISTAD, New Haven Harbor, Connecticut (CGD01–00–166)'' (RIN2115–AA97 (2000–0033)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9844. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Chickahominy River, VA (CGD05–00–016)'' (RIN2115–AA97 (2000–0034)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9845. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; LAKE ERIE, Ottawa River, Washington Township, Ohio (CGD09–00–014)'' (RIN2115–AA97 (2000–0035)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9846. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations SAIL BOSTON 2000, Port of Boston, MA (CGD01–99–191)'' (RIN2115–AA97 (2000–0036)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9847. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; York River, VA (CGD05–00–019)'' (RIN2115–AA97 (2000–0037)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9848. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Safety/Security Zone Regulations; Atlantic Ocean, Virginia Beach, VA (CGD05–00–015)'' (RIN2115–AA97 (2000–0038)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9849. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Special Anchorage Areas/Anchorage Grounds Regulations; OPSAIL 2000, Port of New London, Connecticut (CGD01–99–203)'' (RIN2115–AA98 (2000–0005)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9850. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Wappoo Creek (ICW), Charleston, SC (CGDS07–00–054)'' (RIN2115–AE47 (2000–0034)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9851. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; Maryland Swim for Life, Chester River, Chestertown, MD (CGD05–00–022)'' (RIN2115–AE46 (2000–0005)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9852. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Columbia River, OR (CGD13–00–008)'' (RIN2115–AE47 (2000–0032)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9853. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Acushnet River, Annisqualm River, Fore River and Taunton River , MA (CGD01–00–135)'' (RIN2115–AE47 (2000–0033)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9854. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Response Plans For Marine Transportation-Related Facilities Handling Non-Petroleum Oils (USCG–1999–5149)'' (RIN2115–AF79 (2000–0001)) received on June 22, 2000 ; to the Committee on Commerce, Science, and Transportation.

EC–9855. A communication from the Chief of the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Oil Pollution Act of 1990 Phase-out Requirements for Single Hull Tank Vessels (USCG–1999–6164)'' (RIN2115–AF86 (2000–0001)) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9856. A communication from the Special Assistant to the Bureau Chief , Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73 .202(B), Table of Allotments, FM Broadcast Stations (Winslow, Camp Verde, Mayer and Sun City West, Arizona)'' (MMDocket No. 99–246; RM–9593; RM–9770) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9857. A communication from the Special Assistant to the Bureau Chief , Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73 .202(B), Table of FM Allotments, FM Broadcast Stations Ebro, Florida'' (MMDocket No. 00–43) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9858. A communication from the Chief of the General and International Law Division, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Appeal Procedures for Determinations Concerning Compliance with Service Obligations, Deferments, and Waivers'' (RIN2133–AB41) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9859. A communication from the Deputy Archivist of the United States , National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled ''36 CFR Part 1253—Location of NARA Facilities and Hours of Use'' (RIN3095–AA98) received on June 22, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9860. A communication from the Acting Director of the Office of Sustainable Fisheries, Domestic Fisheries Division, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for Maine'' received on June 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9861. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of Exclusive Economic Zone Off Alaska—Modification of a Closure for Rockfish and Pacific Ocean Perch in the Central and Eastern Regulatory Area of the Gulf of Alaska'' received on June 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9862. A communication from the Deputy Assistant Administrator for Fisheries, National Marines Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Framework 13 to the Atlantic Sea Scallop Fishery Management Plan and Framework 34 to the Northeast Multispecies Fishery Management Plan'' (RIN0648–AN49) received on June 30, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9863. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report under the Federal Cigarette Labeling and Advertising Act; to the Committee on Commerce, Science, and Transportation.

EC–9864. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations LaBelle, Estero and Key West, Florida'' (MM Docket No. 97–116) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9865. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Saratoga, Green River, Big Piney and LaBarge, Wyoming)'' (MM Docket No. 98–130, 99–56; RM–9297, RM–9655, RM–9459) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9866. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Douglas, Guernsey, Wyoming)'' (MM Docket No. 98–151; RM–9320, RM–9653) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9867. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Arnoldsburg, West Virginia)'' (MM Docket No. 98–216) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9868. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations, Whitefield and Northumberland, NH'' (MM Docket No. 99–42, RM–9467, RM–9618) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9869. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (North Tunica, Friars Point, Mississippi, Kennett, Missouri, Munford, Tennessee, Marianna, Arkansas)'' (MM Docket Nos. 99–140, 99–146; RM–9723, RM–9724, RM–9725, RM–9490) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9870. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations Camp Wood and Rocksprings, TX'' (MM Docket No. 99–214) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9871. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Greeley and Broomfield, Colorado)'' (MM Docket No. 99–279; RM–9716) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9872. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations Carney, Michigan'' (MM Docket No. 99–334) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9873. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of FM Allotments; FM Broadcast Stations Gwinn, Michigan'' (MM Docket No. 99–341) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9874. A communication from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Section 73.202(b), Table of Allotments; FM Broadcast Stations (Eldorado, Beeville, Colorado City, Cotulla, Cuero, Kerrville, Mason, McQueeney and San Angelo, Texas)'' (MM Docket No. 99–357) received on June 27, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9875. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Bycatch Rate Standards for the Second Half of 2000'' received on June 29, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9876. A communication from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Emergency Interim Rules to Implement the American Fisheries Act; Extension of Expiration Dates'' (RIN0648–AM83) received on June 29, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9877. A communication from the Deputy Administrator of the National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report entitled ''Update on the Status of Splash and Spray Suppression Technology for Large Trucks''; to the Committee on Commerce, Science, and Transportation.

EC–9878. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report relative to export vessels for calendar year 1999; to the Committee on Commerce, Science, and Transportation.

EC–9879. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Eurocopter Deutschland GmbH Model EC 135 Helicopters; docket no. 98–SW–74 [7/5–7/6]'' (RIN2120–AA64 (2000–0354) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9880. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747–400 Series Airplanes Equipped with P&W PW 4000 Engines; docket no. 99–NM–66 [6–23/7–6]'' (RIN2120–AA64 (2000–0355) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9881. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A310 Series Airplanes; docket no. 2000–NM–77 [6–23/–7–6]'' (RIN2120–AA64 (2000–0356) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9882. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Series Airplanes; docket no. 99–NM–330 [6–23/7–6]'' (RIN2120–AA64 (2000–0357) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9883. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Industrie Model A300, A400–600, and A310 Series Airplanes; docket no. 99–NM–240 [6–23/7–6]'' (RIN2120–AA64 (2000–0358) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9884. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Sikorsky Aircraft Corporation Model S–76A Helicopters; docket no. 99–SW–37 [6–23/7–6]'' (RIN2120–AA64 (2000–0359) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9885. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 727 Series Airplanes; request for comments; docket no. 99–NM–121'' (RIN2120–AA64 (2000–0361) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9886. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Pratt & Whitney JT9D Series Turbofan; docket no. 94–ANE–54 [5–46–99/7–6–00]'' (RIN2120–AA64 (2000–0362) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9887. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures: Miscellaneous Amendments (49); Amdt. No. 1997 [6–28/7–6]'' (RIN2120–AA65 (2000–0035) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9888. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures: Miscellaneous Amendments (45); Amdt. No. 1999 [6–28/7–6]'' (RIN2120–AA65 (2000–0036) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9889. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Minneapolis, Flying Cloud Airport, MN; docket no. 00–AGL–08 [6–28/7–6]'' (RIN2120–AA66 (2000–0154) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9890. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Minneapolis, Anoka County-Blaine Airport, MN; docket no. 00–AGL–09 [6–28/7–6]'' (RIN2120–AA66 (2000–0156) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9891. A communication from the Chief of General and International Law, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Putting Customers First in the Title XI Program: Ship Financing Guarantees'' (RIN 2133–AB32) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9892. A communication from the Trial Attorney of the Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Joint Statement of Safety Policy for Shared Use of General Railroad System Trackage by Conventional Railroad and Rail Transit Trains'' (RIN2130–AB33) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9893. A communication from the Chief of the Division of General and International Law, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Eligibility of U.S.-Flag Vessels of 100 Feet or Greater in Registered Length to Obtain a Fishery Endorsement to the Vessel's Documentation'' (RIN2133–AB38) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9894. A communication from the Trial Attorney of the Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''FRA Statement of Safety Policy for Shared Use of General Railroad System Trackage by Conventional Railroad and Rail Transit Trains'' (RIN2130–AB33 (2000–0002)) received on July 6, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9895. A communication from the Secretary of the Federal Trade Commission, transmitting, a report relative to tar, nicotine, and carbon monoxide for calendar year 1998; to the Committee on Commerce, Science, and Transportation.

EC–9896. A communication from the Deputy Assistant Administrator For Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement Mackerel Catch Specifications for the South Atlantic Region under the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and South Atlantic Region'' (RIN0648–AN07) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9897. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments'' received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9898. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Adjustment of the ending date of the annual closure of the shrimp fishery in the EEZ off Texas'' received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9899. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries Off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; Northwestern Hawaiian Islands Lobster Fishery; Closure of the Year 2000 Fishery'' (RIN0648–A006) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9900. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid'' received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9901. A communication from the Deputy Assistant Administrator of the National Oceanic And Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Dean John A. Knauss Marine Policy Fellowship, National Sea Grant College Program'' received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9902. A communication from the Senior Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Regulations Governing Railroad Rehabilitation and Improvement Financing'' (RIN2130–AB26) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9903. A communication from the Attorney Advisor of the Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Federal-State Joint Board on Universal Service: Promoting Deployment and Subscribership in Unserved and Underserved Areas, Including Tribal and Insular Areas; Petitions for Designation as an Eligible Telecommunications Carrier and for Related Waivers to Provide Universal Service, CC Docket No. 96–45, 12th Report and Order Memorandum Opinion and Order'' (FCC00–208, CC Doc. 96–45) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9904. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation,

transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Saab Model AAB SF340A and 340B Series Airplanes; docket no. 2000–NM–25 [6–19/6–26]'' (RIN2120–AA64 (2000–0348)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9905. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 Series Airplanes; docket no. 2000–NM–78 [6–19/6–26]'' (RIN2120–AA64 (2000–0349)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9906. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 767 Series Airplanes; docket no. 99–NM–182 [6–19–26]'' (RIN2120–AA64 (2000–0350)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9907. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes; docket no. 99–NM–25 [6–14/6–26]'' (RIN2120–AA64 (2000–0351)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9908. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Foker Model F27 Mark 050, 100, 200, 300, 400, 500, 600, and 700 Series Airplanes and Model F28 Mark 0070, 0100, 2000, 3000, and 4000 Series Airplanes; docket no. 2000–NM–06 [6–14/6–26]'' (RIN2120–AA64 (2000–0352)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9909. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Dunlap, IN; docket no. 00–ASO–14 [6–19/6–26]'' (RIN2120–AA66 (2000–0142)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9910. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Livingston, TN; docket no. 00–ASO–11 [6–19/6–26]'' (RIN2120–AA66 (2000–0143)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9911. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Copperhill, TN; docket no. 00–ASO–13 [6–16/6–21]'' (RIN2120–AA66 (2000–0144)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9912. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Holland, MI; docket no. 00–AGL–06 [6–16/6–26]'' (RIN2120–AA66 (2000–0145)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9913. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Sheldon, IA; docket no. 00–ACE–08 [6–22/6–26]'' (RIN2120–AA66 (2000–0146)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9914. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Pratt, KS; docket no. 00–ACE–14 [6–22/6–26]'' (RIN2120–AA66 (2000–0147)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9915. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Fort Payne, AL; docket no. 00–ASO–17 [6–23/6–29]'' (RIN2120–AA66 (2000–0149)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9916. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Jasper, TN; docket no. 00–ASO–16 [6–23/6–29]'' (RIN2120–AA66 (2000–0150)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9917. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Scottsboro, AL; Docket No 00–ASO–15 [6–23/6–29]'' (RIN2120–AA66 (2000–0151)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9918. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class E Airspace; Smithville, TN; Docket No. 00–ASO–18 [6–23/6–29]'' (RIN2120–AA66 (2000–0152)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9919. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Realignment and establishment of VOR Federal Airways; DY and TN; docket no. 97–ASO–18 [7–5/7–10]'' (RIN2120–AA66 (2000–0164)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9920. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Realignment of Jet Route; TX; docket no. 99–ASW–33 [7–5/7–10]'' (RIN2120–AA66 (2000–0165)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9921. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Wadena, MN; docket no. 00–AGL–07; [6–26/7–10]'' (RIN2120–AA66 (2000–0155)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9922. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Marquette, MI; revocation of Class E Airspace; Swayer, MI, and K .I., Sawyer, MI; docket no. 99–AGL–42 [6–28/7–10]'' (RIN2120–AA66 (2000–0157)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9923. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Realignment of Federal Airways; docket no. 99–AGL–57 [7/6–6/10]'' (RIN2120–AA66 (2000–0158)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9924. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment to Class D and Class E5 Airspace; Greenwood, MS; docket no. 00–ASO–9 [6–23/7–10]'' (RIN2120–AA66 (2000–0159)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9925. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class D Airspace; Stuart, FL; docket no. 00–ASO–12 [6–30/7–10]'' (RIN2120–AA66 (2000–0160)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9926. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Establishment of Class E Airspace; Minneapolis, Crystal Airport, MN; docket no. 00–AGL–10 [6–28/7–10]'' (RIN2120–AA66 (2000–0161)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9927. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Tullahoma, TN; docket no. 00–ASO–19; [6–23/7–10]'' (RIN2120–AA66 (2000–0162)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9928. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Boeing Model 777–200 and –300 Series Airplanes; docket no. 2000–NM–108; [6–28/7–10]'' (RIN2120–AA66 (2000–0363)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9929. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica Model EMB–135 and –145 Series Airplanes: docket no. 2000–NM–208 [6–27/7–10]'' (RIN2120–AA66 (2000–0364)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9930. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC–8 Series Airplanes: docket no. 2000–NM–49 [6–27/7–10]''

(RIN2120–AA66 (2000–0365)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9931. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Rolls Royce Ltd, Dart 511, 511–E, 514–7, 528, 528–7E, 529–7E, 532–7, 532–7L , 532–7N, 532–7R, 551–R, and 552–7R Turboprop Engines; docket no. 99–NE–50 [6–23/7–10]'' (RIN2120–AA66 (2000–0366)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9932. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled ''Passenger Equipment Safety Standards—Final Rule; Response to Petitions for Reconsideration'' (RIN2130–AA95 (2000–0001)) received on July 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9933. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes Directed Pacific Ocean Perch Fishing in the Western Regulatory Area of the Gulf of Alaska'' received on July 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9934. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the reports of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Catch in the Bering Sea and Aleutian Islands'' received on July 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9935. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pollock Open Access Sector for Inshore Processing in the Bering Sea and Aleutian Islands Management Area'' received on July 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9936. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species Fisheries; Prohibited Shark Species; Large Coastal Shark Species; Commercial Fishery Closure Change'' (I.D. 052500B) received on July 12, 2000; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2001'' (Report No. 106–350).

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 2901: An original bill to authorize appropriations to carry out security assistance for fiscal year 2001, and for other purposes (Rept. No. 106–351).

By Mr. SHELBY, from the Select Committee on Intelligence, with amendments:

S. 2089: A bill to amend the Foreign Intelligence Surveillance Act of 1978 to modify procedures relating to orders for surveillance and searches for foreign intelligence purposes, and for other purposes (Rept. No. 106–352).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 133: A resolution supporting religious tolerance toward Muslims.

By Mr. SHELBY, from the Select Committee on Intelligence, with amendments:

S. 1902: A bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2516: A bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 2812: A bill to amend the Immigration and Nationality Act to provide a waiver of the oath of renunciation and allegiance for naturalization of aliens having certain disabilities.

By Mr. CAMPBELL, from the Committee on Appropriations, without amendment:

S. 2900: An original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Order of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 48: A joint resolution calling upon the President to issue a proclamation recognizing the 25th anniversary of the Helsinki Final Act.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Con. Res. 53: A concurrent resolution condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States and supporting political and civic participation by such individuals throughout the United States.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. MCCAIN for the Committee on Commerce, Science, and Transportation.

Frank Henry Cruz, of California, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2006. (Reappointment)

Ernest J. Wilson III, of Maryland, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2004.

Debbie D. Branson, of Texas, to be a Member of the Federal Aviation Management Advisory Council for a term of three years. (New Position)

Katherine Milner Anderson, of Virginia, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2006. (Reappointment)

Francisco J. Sanchez, of Florida, to be an Assistant Secretary of Transportation.

Kenneth Y. Tomlinson, of Virginia, to be a Member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring January 31, 2006.

Norman Y. Mineta, of California, to be Secretary of Commerce.

(The above nominations were reported with the recommendation that they be confirmed subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. MCCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably a nomination list which was printed in the RECORD of the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

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

Coast Guard nomination of Elizabeth A. Ashburn, which was received by the Senate and appeared in the CONGRESSIONAL RECORD on July 18, 2000.

By Mr. HATCH for the Committee on the Judiciary.

David W. Ogden, of Virginia, to be an Assistant Attorney General.

Johnnie B. Rawlinson, of Nevada, to be United States Circuit Judge for the Ninth Circuit.

Daniel Marcus, of Maryland, to be Associate Attorney General.

Dennis M. Cavanaugh, of New Jersey, to be United States District Judge for the District of New Jersey.

Glenn A. Fine, of Maryland, to be Inspector General, Department of Justice.

John E. Steele, of Florida, to be United States District Judge for the Middle District of Florida.

Gregory A. Presnell, of Florida, to be United States District Judge for the Middle District of Florida.

James S. Moody, Jr., of Florida, to be United States District Judge for the Middle District of Florida.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERREY (for himself and Mr. HAGEL):

S. 2895. A bill to redesignate the facility of the United States Postal Service located at 3030 Meredith Avenue in Omaha, Nebraska, as the ''Reverend J.C. Wade Post Office'', to the Committee on Governmental Affairs.

By Mr. BAUCUS (for himself, Mrs. LINCOLN, Mrs, MURRAY, and Mr. ROBERTS):

S. 2896. A bill to normalize trade relations with Cuba, and for other purposes; to the Committee on Finance.

By Mr. ROBB (for himself, Mr. BREAUX, Ms. LANDRIEU, Ms. SNOWE, and Mr. WARNER):

S. 2897. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Finance.

By Mr. SCHUMER:

S. 2898. A bill to amend title 18, United States Code, to provide for the disclosure of electronic monitoring of employee communications and computer usage in the workplace; to the Committee on the Judiciary.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2899. A bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians, and for other purposes; to the Committee on Indian Affairs.

By Mr. CAMPBELL:

S. 2900. An original bill making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes; placed on the calendar.

By Mr. HELMS:

S. 2901. An original bill to authorize appropriations to carry out security assistance for fiscal year 2001, and for other purposes; placed on the calendar.

By Mr. BROWNBACK:

S. 2902. A bill to revise the definition of advanced service, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself, Mrs. LINCOLN, and Mrs. MURRAY):

S. 2896. A bill to normalize trade relations with Cuba, and for other purposes.

THE UNITED STATES–CUBA TRADE ACT OF 2000

Mr. BAUCUS. Mr. President, I rise today to speak about the outdated U.S. embargo on Cuba.

Last weekend I traveled to Havana along with my distinguished colleagues Senator ROBERTS and Senator AKAKA. It was a brief trip. But it gave U.S. an opportunity to meet with a wide range of people and to assess Cuba first-hand. We met with Cuban cabinet ministers and dissidents, with the head of the largest NGO in Cuba, with foreign ambassadors and with Fidel Castro.

I left those meetings more convinced than ever that it is time to finally end our Cold War with Cuba policy. We should have normal trade relations with Cuba. Let me explain why.

First, this is a unilateral sanctions policy. Nobody else in the world supports it. Not even our closest allies. I have long opposed unilateral economic sanctions, unless our national security is at stake. Forty years ago Cuba threatened our national security. The Soviet Union planted nuclear missiles in Cuba and aimed them at the United States. Twenty years ago, Cuba was still acting as a force to destabilize Central America.

Those days are gone. The missiles are gone. The Soviet Union is gone. Cuban military and guerilla forces are gone from Central America. The security threat is gone. But the embargo remains.

My reason for my opposing unilateral sanctions is entirely pragmatic. They don't work. They never worked in the past and they will not work in the future. Whenever we stop our farmers and business people from exporting, our Japanese, European, and Canadian competitors rush in to fill the gap. Unilateral sanctions are a hopelessly ineffective tool, except that they hurt Americans.

The second reason for ending the embargo is that the U.S. embargo actually helps Castro.

How does it help Castro? I saw it for myself in Havana. The Cuban economy is in shambles. The people's rights are repressed. Fidel Castro uses the embargo as the scapegoat for Cuba's misery.

As absurd as it sounds, Castro blames the United States for his failed economic policies. Without the embargo, he would have no one to blame except himself.

Mr. President, for the past ten years I have worked towards normalizing our trade with China. My operating guideline has been ''Engagement Without Illusions.'' Trade rules don't automatically and instantly yield trade results. We have to push hard every day to see that countries follow the rules. That's certainly the case with China.

I have the same attitude towards Cuba. Yes, we should lift the embargo. We should do it without preconditions and without demanding any quid pro quo from Cuba. We should engage them economically. But we should do so without illusions. Once we lift the embargo, Cuba will not become a major buyer of our farm goods or manufactured products overnight.

We need to be realistic. With Cuba's failed economy and low income, ending the embargo won't cause a huge surge of U.S. products to Cuba. Instead, it will start sales of some goods, such as food, medicine, some manufactures, and some telecom and Internet services. Right now, Cuba's imports are primarily from Europe and Asia. With the embargo lifted, U.S. products and agriculture will replace some of those sales. U.S. exporters will have the advantage of lower transportation costs and easier logistics. It will be a start.

In addition, ending the embargo will increase Cuban exposure to the United States. It will result in more travel by tourists, businessmen, students, and scholars. It will bring U.S. into closer contact with those who will be part of the post-Castro Cuba. It will spur more investment in Cuba's tourist infrastructure, helping, even if only a little, to further develop a private sector in the economy.

Mr. President, in May of this year, I introduced bipartisan legislation that would repeal all of the Cuba-specific statutes that create the embargo. That includes the 1992 Cuban Democracy Act and the 1996 Helms–Burton Act.

Today I am introducing further legislation to eliminate impediments to a normal trade relationship with Cuba. I am joined in this effort by my colleagues, Senators LINCOLN and MURRAY. My great friend, Congressman CHARLIE RANGEL, has introduced a companion bill in the House.

This bill, the U.S.-Cuba Trade Act of 2000, would do two things. First, it would remove Cuba from coverage under the Jackson-Vanik amendment. This is the part of the 1974 Trade Act which was enacted to address Jewish emigration from the Soviet Union. Today, it the legal provision which causes an annual review of normal trade relations with countries such as China. It is a Cold War law which is no longer relevant to our 21st century world.

In addition, the U.S.-Cuba Trade Act would eliminate a technical provision that prevents Cuba from obtaining normal WTO tariff rates.

Mr. President, the world has changed since the United States started this embargo forty years ago. Our policy has to change with it. I encourage all of my colleagues to support this effort to put in place a responsible economic policy toward Cuba.

By Mr. ROBB (for himself, Mr. BREAUX, Ms. LANDRIEU, Ms. SNOWE, and Mr. WARNER):

S. 2897. A bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts; to the Committee on Finance.

COMPLETED SHIP DELIVERY METHOD OF ACCOUNTING

• Mr. ROBB. Mr. President, I am pleased to introduce this legislation today with Senators BREAUX, LANDRIEU, SNOWE, and WARNER. This legislation is an important step towards supporting and maintaining a 300 ship Navy to defend our Nation's shores and waters. By allowing military ship builders to go back to the Completed Ship Delivery Method of accounting, more resources will be available for research and development which will ultimately lead to better naval vessels made more inexpensively. Ultimately, this is a win-win situation.

Prior to 1982, ship builders calculated and paid their tax liabilities when they had completed building the vessel. Due to concerns over abuses, this accounting method was changed and military ship builders were required to pay taxes each year based on an approximation of what eventual profits might be. Military ships can take from three to seven years to build. During this period there can be wide fluctuations in various cost factors such as supplies and

labor. Accordingly, it is very hard to predict what the eventual profits will be until the last rivet has been put in place. On the flip side, because even the most protracted ship building project will be completed in no more than seven years, the ability to game the system is limited. To minimize the ability of anyone to abuse this provision, this legislation requires that only ships that take at least two years to build are eligible for this treatment.

It is time to correct this unfair tax treatment. By allowing military ship builders to use the Completed Ship Delivery Method of accounting, the ship builders will continue to pay the same amount of tax and receive the same treatment as non-military ship builders. The only difference is that they will be allowed to pay it when they have an accurate idea of the actual profits on that specific vessel. I look forward to working with my colleagues on this matter.●

By Mr. SCHUMER:

S. 2898. A bill to amend title 18, United States Code, to provide for the disclosure of electronic monitoring of employee communications and computer usage in the workplace; to the Committee on the Judiciary.

NOTICE OF ELECTRONIC MONITORING ACT

Mr. SCHUMER. Mr. President, I rise today to introduce the Notice of Electronic Monitoring Act (''NEMA''), which will end the practice of unjustified secret electronic monitoring of workers by their employers. Companion legislation is also being introduced in the House of Representatives by Representatives CANADY and BARR.

With the revolutionary changes that technology and the Internet are bringing to society, come new threats to individual privacy. One of those is electronic employee monitoring. A lot of people don't know this yet, but, for all intents and purposes, the computer you use at work can watch your every move.

Over the course of the past year, new software has been developed that makes it easy and cheap for employers to automatically record an employees' e-mail, web activities, even an employees' every key stroke.

For example, one software product claims that it reviews more than 50,000 e-mail messages per hour, silently, discretely, and continuously auditing e-mail content moving in and out of a company. This product can be run from any workstation, and can be set up and running in minutes. After a free 30-day trial of the software, an employer can buy it for a mere $400.

My point is not that such software products are per se bad. Indeed, electronic monitoring can sometimes be helpful in protecting corporate trade secrets or preventing employee harassment. My point is that new technologies that allow any employer to monitor employees without their knowledge is becoming ubiquitous, cheap, and simple to install and use.

And it is becoming a problem. The number of employers who monitor employee e-mail has doubled in the last two years. A recent survey indicates that as of last year, nearly three quarters of large American companies actively record and review either e-mail, Internet usage, computer files, or phone usage.

NEMA puts a check on business that is reasonable and fair. It gives employees the right to know whether, when, and how their employer is watching. We would never stand for it if an employer steamed open an employees' mail, read it, and put it back without her knowledge. It should be the same with email.

Employees are going to occasionally write personal emails like a message to a spouse about a financial problem, or use the Internet to do a personal search for a medical question they have. All employees should know before doing a search or sending an email, whether they have privacy or not.

NEMA requires employers to notify their employees of any monitoring of communications or computer usage. It covers reading or scanning of employee e-mail, keystroke monitoring, or programs that monitor employee web use, as well as monitoring of telephone conversations.

Importantly, NEMA does not prohibit any monitoring techniques, it merely requires employers to give clear and conspicuous notice annually and whenever policies change. And if the employer has good reason to believe that an employee is causing significant harm to the employer or any other person, the employer can monitor that person without any notice at all.

If an employer secretly monitors in violation of the Act, they are subject to suit by the employee for at most $20,000 in damages. However, I believe that such lawsuits will be few and far between because employers will simply abide by the modest terms of the Act and give annual notice.

New technology has made it cheap and easy for employers to secretly monitor everything an employee does on line. This legislation provides workers a first line of defense against a practice that can sometimes amount to nothing more than a blatant invasion of privacy. NEMA is a moderate and fair step that addresses an important threat to employee privacy that is quietly but quickly spreading to most workplaces.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2899. A bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians, and for other purposes; to the Committee on Indian Affairs.

UNITED STATES' RELATIONSHIP WITH NATIVE HAWAIIANS

Mr. AKAKA. Mr. President, I stand before you today to introduce a bill on behalf of myself and my dear friend and colleague, Senator INOUYE, that is of great significance to the indigenous peoples of Hawaii—the Native Hawaiians. This measure clarifies the political relationship between Native Hawaiians and the United States. For years, Congress has legislated on behalf of Native Hawaiians as the aboriginal, indigenous, native peoples of Hawaii. This measure clarifies that political relationship and provides a process for Native Hawaiians to form a Native Hawaiian governing body to engage in a government-to-government relationship with the United States.

The United States has declared a special responsibility for the welfare of the Native peoples of the United States, including Native Hawaiians. This relationship has been acknowledged by the United States since the inception of Hawaii's status as a territory. This relationship was most explicitly affirmed by the enactment of the Hawaiian Homes Commission Act of 1920, which set aside 200,000 acres of land in Hawaii for homesteading by Native Hawaiians. Legislative history clearly shows that in addressing this situation, Congress based this action and subsequent legislation on the constitutional precedent in programs enacted for the benefit of American Indians.

Since Hawaii's admission into the Union, Congress has continued to legislate on behalf of Native Hawaiians as indigenous peoples. Native Hawaiians have been included as Native Americans in a number of federal statutes which have addressed the conditions of Native Hawaiians. This political relationship has been discussed within the Native Hawaiian community for many, many years. A large portion of the discussion has centered around the history of Hawaii's indigenous peoples and the United States' role in that history.

In 1993, Congress passed P.L. 103–150, the Apology Resolution, which extended an apology on behalf of the United States to the Native people of Hawaii for the United States' role in the overthrow of the Kingdom of Hawaii. The Apology Resolution also expressed the commitment of Congress and the President to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and Native Hawaiians. The process of reconciliation is ongoing.

Mr. President, this legislation is important not only to Native Hawaiians, but also to all people in Hawaii. This measure provides the process to begin resolving many longstanding issues facing Hawaii's indigenous peoples and

the State of Hawaii. In addressing these issues, we have begun a process of healing, a process of reconciliation not only with the United States but within the State of Hawaii. The essence of Hawaii is characterized not by the beauty of its islands, but by the beauty of its people. The State of Hawaii has recognized, acknowledged and acted upon the need to preserve the culture, tradition, language and heritage of Hawaii's indigenous peoples. This measure furthers these actions.

Mr. President, the clarification of the political relationship between Native Hawaiians and the United States is one that has been long in coming and is well-deserved. The history and the timing of Hawaii's admission to the United States, unfortunately, did not provide the appropriate structure for a government-to-government relationship between Hawaii's indigenous native peoples and the United States. The time has come to correct this injustice.

Mr. President, I request unanimous consent that the text of this measure be printed in the RECORD.

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

S. 2899

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) the Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States;

(2) Native Hawaiians, the native people of the State of Hawaii are indigenous, native people of the United States;

(3) the United States has a special trust relationship to promote the welfare of the native people of the United States, including Native Hawaiians;

(4) under the treaty-making power of the United States, Congress exercised its constitutional authority to confirm a treaty between the United States and the government that represented the Hawaiian people, and from 1826 until 1893, the United States recognized the independence of the Kingdom of Hawaii, extended full diplomatic recognition to the Hawaiian Government, and entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(5) pursuant to the provisions of the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside 200,000 acres of land in the Federal territory that later became the State of Hawaii in order to establish a homeland for the native people of Hawaii, Native Hawaiians;

(6) by setting aside 200,000 acres of land for Native Hawaiian homesteads and farms, the Act assists the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii;

(7) approximately 6,800 Native Hawaiian lessees and their family members reside on Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Home Lands are on a waiting list to receive assignments of land;

(8) the Hawaiian Home Lands continue to provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and Native Hawaiians have maintained other distinctly native areas in Hawaii;

(9) on November 23, 1993, Public Law 103–150 (107 Stat. 1510) (commonly known as the Apology Resolution) was enacted into law, extending an apology on behalf of the United States to the Native people of Hawaii for the United States' role in the overthrow of the Kingdom of Hawaii;

(10) the Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished their claims to their inherent sovereignty as a people over their national lands to the United States, either through their monarchy or through a plebiscite or referendum;

(11) the Apology Resolution expresses the commitment of Congress and the President to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii and to support reconciliation efforts between the United States and Native Hawaiians; and to have Congress and the President, through the President's designated officials, consult with Native Hawaiians on the reconciliation process as called for under the Apology Resolution;

(12) despite the overthrow of the Hawaiian government, Native Hawaiians have continued to maintain their separate identity as a distinct native community through the formation of cultural, social, and political institutions, and to give expression to their rights as native people to self-determination and self-governance as evidenced through their participation in the Office of Hawaiian Affairs;

(13) Native Hawaiians also maintain a distinct Native Hawaiian community through the provision of governmental services to Native Hawaiians, including the provision of health care services, educational programs, employment and training programs, children's services, conservation programs, fish and wildlife protection, agricultural programs, native language immersion programs and native language immersion schools from kindergarten through high school, as well as college and master's degree programs in native language immersion instruction, and traditional justice programs, and by continuing their efforts to enhance Native Hawaiian self-determination and local control;

(14) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources;

(15) the Native Hawaiian people wish to preserve, develop, and transmit to future Native Hawaiian generations their ancestral lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, and to achieve greater self-determination over their own affairs;

(16) this Act responds to the desire of the Native Hawaiian people for enhanced self-determination by establishing a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct aboriginal, indigenous, native community to reorganize a Native Hawaiian governing body for the purpose of giving expression to their rights as native people to self-determination and self-governance;

(17) the United States has declared that—

(A) the United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) Congress has identified Native Hawaiians as a distinct indigenous group within the scope of its Indian affairs power, and has enacted dozens of statutes on their behalf pursuant to its recognized trust responsibility; and

(C) Congress has also delegated broad authority to administer a portion of the federal trust responsibility to the State of Hawaii;

(18) the United States has recognized and reaffirmed the special trust relationship with the Native Hawaiian people through—

(A) the enactment of the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86–3; 73 Stat. 4) by—

(i) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held in public trust for the betterment of the conditions of Native Hawaiians; and

(ii) transferring the United States' responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands which comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act;

(19) the United States continually has recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the aboriginal, native people of a once sovereign nation with whom the United States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States.

SEC. 2. DEFINITIONS.

In this Act:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term "aboriginal, indigenous, native people" means those people whom Congress has recognized as the original inhabitants of the lands and who exercised sovereignty prior to European contact in the areas that later became part of the United States;

(2) ADULT MEMBERS.—The term "adult members" means those Native Hawaiians who have attained the age of 18 at the time the Secretary publishes the initial roll in the Federal Register, as provided in section 7(a)(4) of this Act.

(3) APOLOGY RESOLUTION.—The term "Apology Resolution" means Public Law 103–150 (107 Stat. 1510), a joint resolution offering an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893 overthrow of the Kingdom of Hawaii.

(4) COMMISSION.—The term ''Commission'' means the commission established in section 7 of this Act to certify that the adult members of the Native Hawaiian community contained on the roll developed under that section meet the definition of Native Hawaiian, as defined in paragraph (6)(A).

(5) INDIGENOUS, NATIVE PEOPLE.—The term ''indigenous, native people'' means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(6) NATIVE HAWAIIAN.—

(A) Prior to the recognition by the United States of a Native Hawaiian governing body under the authority of section 7(d) of this Act, the term ''Native Hawaiian'' means the indigenous, native people of Hawaii who are the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii, as evidenced by (but not limited to)—

(i) genealogical records;

(ii) Native Hawaiian kupuna (elders) verification or affidavits;

(iii) church or census records; or

(iv) government birth or death certificates or other vital statistics records;

(B) Following the recognition by the United States of the Native Hawaiian governing body under section 7(d) of this Act, the term ''Native Hawaiian'' shall have the meaning given to such term in the organic governing documents of the Native Hawaiian governing body.

(7) NATIVE HAWAIIAN GOVERNING BODY.—The term ''Native Hawaiian governing body'' means the adult members of the governing body of the Native Hawaiian people that is recognized by the United States under the authority of section 7(d) of this Act.

(8) NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—The term ''Native Hawaiian Interim Governing Council'' means the interim governing council that is authorized to exercise the powers and authorities recognized in section 7(b) of this Act.

(9) ROLL.—The term ''roll'' means the roll that is developed under the authority of section 7(a) of this Act.

(10) SECRETARY.—The term ''Secretary'' means the Secretary of the Department of the Interior.

(11) TASK FORCE.—The term ''Task Force'' means the Native Hawaiian Interagency Task Force established under the authority of section 6 of this Act.

SEC. 3. UNITED STATES POLICY.

The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct aboriginal, indigenous, native people, with whom the United States has a political and legal relationship;

(2) the United States has a special trust relationship to promote the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'', approved March 18, 1959 (Public Law 86–3; 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance; and

(C) the right to reorganize a Native Hawaiian governing body; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

SEC. 4. ESTABLISHMENT OF THE OFFICE OF SPECIAL TRUSTEE FOR NATIVE HAWAIIAN AFFAIRS.

(a) IN GENERAL.—There is established within the Office of the Secretary of the Department of the Interior the Office of Special Trustee for Native Hawaiian Affairs.

(b) DUTIES OF THE OFFICE.—The Office of Special Trustee for Native Hawaiian Affairs shall—

(1) effectuate and coordinate the special trust relationship between the Native Hawaiian people and the United States through the Secretary, and with all other Federal agencies;

(2) upon the recognition of the Native Hawaiian governing body by the United States as provided for in section 7(d) of this Act, effectuate and coordinate the special trust relationship between the Native Hawaiian governing body and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian people by providing timely notice to, and consulting with the Native Hawaiian people prior to taking any actions that may have the potential to significantly or uniquely affect Native Hawaiian resources, rights, or lands, and upon the recognition of the Native Hawaiian governing body as provided for in section 7(d) of this Act, fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian governing body by providing timely notice to, and consulting with the Native Hawaiian people prior to taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Native Hawaiian Interagency Task Force, other Federal agencies, and with relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands;

(5) be responsible for the preparation and submittal to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of an annual report detailing the activities of the Interagency Task Force established under section 6 of this Act that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian people and the Native Hawaiian governing body and providing recommendations for any necessary changes to existing Federal statutes or regulations promulgated under the authority of Federal law;

(6) be responsible for continuing the process of reconciliation with the Native Hawaiian people, and upon the recognition of the Native Hawaiian governing body by the United States as provided for in section 7(d) of this Act, be responsible for continuing the process of reconciliation with the Native Hawaiian governing body; and

(7) assist the Native Hawaiian people in facilitating a process for self-determination, including but not limited to the provision of technical assistance in the development of the roll under section 7(a) of this Act, the organization of the Native Hawaiian Interim Governing Council as provided for in section 7(b) of this Act, and the reorganization of the Native Hawaiian governing body as provided for in section 7(c) of this Act.

SEC. 5. DESIGNATION OF DEPARTMENT OF JUSTICE REPRESENTATIVE.

The Attorney General shall designate an appropriate official within the Department of Justice to assist the Office of the Special Trustee for Native Hawaiian Affairs in the implementation and protection of the rights of Native Hawaiians and their political and legal relationship with the United States, and upon the recognition of the Native Hawaiian governing body as provided for in section 7(d) of this Act, in the implementation and protection of the rights of the Native Hawaiian governing body and its political and legal relationship with the United States.

SEC. 6. NATIVE HAWAIIAN INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT.—There is established an interagency task force to be known as the ''Native Hawaiian Interagency Task Force''.

(b) COMPOSITION.—The Task Force shall be composed of officials, to be appointed by the President, from—

(1) each Federal agency that establishes or implements policies that affect Native Hawaiians or whose actions may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) the Office of the Special Trustee for Native Hawaiian Affairs established under section 4 of this Act; and

(3) the Executive Office of the President.

(c) LEAD AGENCIES.—The Department of the Interior and the Department of Justice shall serve as the lead agencies of the Task Force, and meetings of the Task Force shall be convened at the request of the lead agencies.

(d) CO-CHAIRS.—The Task Force representative of the Office of Special Trustee for Native Hawaiian Affairs established under the authority of section 4 of this Act and the Attorney General's designee under the authority of section 5 of this Act shall serve as co-chairs of the Task Force.

(e) DUTIES.—The primary responsibilities of the Task Force shall be—

(1) the coordination of Federal policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government which may significantly or uniquely impact on Native Hawaiian resources, rights, or lands;

(2) to assure that each Federal agency develops a policy on consultation with the Native Hawaiian people, and upon recognition of the Native Hawaiian governing body by the United States as provided in section 7(d) of this Act, consultation with the Native Hawaiian governing body; and

(3) to assure the participation of each Federal agency in the development of the report to Congress authorized in section 4(b)(5) of this Act.

SEC. 7. PROCESS FOR THE DEVELOPMENT OF A ROLL FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL, FOR THE ORGANIZATION OF A NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL AND A NATIVE HAWAIIAN GOVERNING BODY, AND FOR THE RECOGNITION OF THE NATIVE HAWAIIAN GOVERNING BODY.

(a) ROLL.—

(1) PREPARATION OF ROLL.—The adult members of the Native Hawaiian community who

wish to participate in the reorganization of a Native Hawaiian governing body shall prepare a roll for the purpose of the organization of a Native Hawaiian Interim Governing Council. The roll shall include the names of—

(A) the adult members of the Native Hawaiian community who wish to become members of a Native Hawaiian governing body and who are the lineal descendants of the aboriginal, indigenous, native people who resided in the islands that now comprise the State of Hawaii on January 1, 1893, and who occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii, as evidenced by (but not limited to)—

(i) genealogical records;

(ii) Native Hawaiian kupuna (elders) verification or affidavits;

(iii) church or census records; or

(iv) government birth or death certificates or other vital statistics records; and

(B) the children of the adult members listed on the roll prepared under this subsection.

(2) CERTIFICATION AND SUBMISSION.—

(A) COMMISSION.—There is authorized to be established a Commission to be composed of 9 members for the purpose of certifying that the adult members of the Native Hawaiian community on the roll meet the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act. The members of the Commission shall have expertise in the certification of Native Hawaiian ancestry.

(B) CERTIFICATION.—The Commission shall certify to the Secretary that the individuals listed on the roll developed under the authority of this subsection are Native Hawaiians, as defined in section 2(6)(A) of this Act, and shall submit such roll to the Secretary.

(3) NOTIFICATION.—The Commission shall promptly provide notice to the Secretary if any of the individuals listed on the roll should be removed from the roll on account of death.

(4) PUBLICATION.—Within 45 days of the receipt by the Secretary of the roll developed under the authority of this subsection and certified by the Commission under the authority of paragraph (2), the Secretary shall certify that the roll is consistent with applicable Federal law by publishing the roll in the Federal Register.

(5) EFFECT OF PUBLICATION.—The publication of the roll developed under the authority of this subsection shall be for the purpose of providing any member of the public with an opportunity to—

(A) petition the Secretary to add to the roll the name of an individual who meets the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act, and who is not listed on the roll; or

(B) petition the Secretary to remove from the roll the name of an individual who does not meet such definition.

(6) DEADLINE FOR PETITIONS.—Any petition described in paragraph (5) shall be filed with the Secretary within 90 days of the date of the publication of the roll in the Federal Register, as authorized under paragraph (4).

(7) CERTIFICATION OF ADDITIONAL NATIVE HAWAIIANS FOR INCLUSION ON THE ROLL.—

(A) SUBMISSION.—Within 30 days of receiving a petition to add the name of an individual to the roll, the Secretary shall submit the name of each individual who is the subject of a petition to add his or her name to the roll to the Commission for certification that the individual meets the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act.

(B) CERTIFICATION.—Within 30 days of receiving a petition from the Secretary to have a name added to or removed from the roll, the Commission shall certify to the Secretary that—

(i) the individual meets the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act; or

(ii) the individual does not meet the definition of Native Hawaiian, as so defined.

Upon such certification, the Secretary shall add or remove the name of the individual on the roll, as appropriate.

(8) HEARING.—

(A) IN GENERAL.—The Secretary shall conduct a hearing on the record within 45 days of the receipt by the Secretary of—

(i) a certification by the Commission that an individual does not meet the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act; or

(ii) a petition to remove the name of any individual listed on the roll submitted to the Secretary by the Commission.

(B) TESTIMONY.—At the hearing conducted in accordance with this paragraph, the Secretary may receive testimony from the petitioner, a representative of the Commission, the individual whose name is the subject of the petition, and any other individuals who may have the necessary expertise to provide the Secretary with relevant information regarding whether the individual whose name is the subject of a petition meets the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act.

(C) FINAL DETERMINATION.—Within 30 days of the date of the conclusion of the hearing conducted in accordance with this paragraph, the Secretary shall make a determination regarding whether the individual whose name is the subject of a petition meets the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act. Such a determination shall be a final determination for purposes of judicial review.

(9) JUDICIAL REVIEW.—

(A) FINAL JUDGMENT.—The United States District Court for the District of Hawaii shall have jurisdiction to review the record of the decision developed by the Secretary and the Secretary's final determination under paragraph (8) and shall make a final judgment regarding such determination.

(B) NOTICE.—If the district court determines that an individual's name should be added to the roll because that individual meets the definition of Native Hawaiian, as defined in section 2(6)(A) of this Act, or that an individual's name should be removed from the roll because that individual does not meet such definition, the district court shall so advise the Secretary and the Secretary shall add or remove the individual's name from the roll, consistent with the instructions of the district court.

(10) PUBLICATION OF FINAL ROLL.—Except for those petitions which remain the subject of judicial review under the authority of paragraph (9), the Secretary shall—

(A) publish a final roll in the Federal Register within 290 days of the receipt by the Secretary of the roll prepared under the authority of paragraph (1); and

(B) subsequently publish in the Federal Register the names of any individuals that the district court directs be added or removed from the roll.

(11) EFFECT OF PUBLICATION.—The publication of the final roll shall serve as the basis for the eligibility of adult members listed on the roll to participate in all referenda and elections associated with the organization of a Native Hawaiian Interim Governing Council.

(b) ORGANIZATION OF THE NATIVE HAWAIIAN INTERIM GOVERNING COUNCIL.—

(1) ORGANIZATION.—

(A) DATE OF GENERAL MEETING.—Within 90 days of the date of the publication of the final roll in the Federal Register, the Secretary shall announce the date of a general meeting of the adult members of those listed on the roll to nominate candidates from among the adult members listed on the roll for election to the Native Hawaiian Interim Governing Council. The criteria for candidates to serve on the Native Hawaiian Interim Governing Council shall be developed by the adult members listed on the roll at the general meeting. The general meeting may consist of meetings on each island or at such sites as to secure the maximum participation of the adult members listed on the roll. Such general meeting (or meetings) shall be held within 30 days of the Secretary's announcement.

(B) ELECTION.—Within 45 days of the general meeting (or meetings), the Secretary shall assist the Native Hawaiian community in holding an election by secret ballot (absentee and mail balloting permitted), to elect the membership of the Native Hawaiian Interim Governing Council from among the nominees submitted to the Secretary from the general meeting. The ballots shall provide for write-in votes.

(C) APPROVAL.—The Secretary shall approve the Native Hawaiian Interim Governing Council elected pursuant to this subsection if the requirements of this section relating to the nominating and election process have been met.

(2) POWERS.—

(A) IN GENERAL.—The Native Hawaiian Interim Governing Council shall represent those on the roll in the implementation of this Act and shall have no powers other than those given to it in accordance with this Act.

(B) TERMINATION.—The Native Hawaiian Interim Governing Council shall have no power or authority under this Act after the time which the duly elected officers of the Native Hawaiian governing body take office.

(3) DUTIES.—

(A) REFERENDUM.—The Native Hawaiian Interim Governing Council shall conduct a referendum of the adult members listed on the roll for the purpose of determining (but not limited to) the following:

(i) The proposed elements of the organic governing documents of a Native Hawaiian governing body.

(ii) The proposed powers and authorities to be exercised by a Native Hawaiian governing body, as well as the proposed privileges and immunities of a Native Hawaiian governing body.

(iii) The proposed civil rights and protection of such rights of the members of a Native Hawaiian governing body and all persons subject to the authority of a Native Hawaiian governing body.

(B) DEVELOPMENT OF ORGANIC GOVERNING DOCUMENTS.—Based upon the referendum authorized in subparagraph (A), the Native Hawaiian Interim Governing Council shall develop proposed organic governing documents for a Native Hawaiian governing body.

(C) DISTRIBUTION.—The Council shall distribute to all adult members of those listed on the roll, a copy of the proposed organic governing documents, as drafted by the Native Hawaiian Interim Governing Council, along with a brief impartial description of the proposed organic governing documents.

(D) CONSULTATION.—The Native Hawaiian Interim Governing Council shall freely consult with those listed on the roll concerning the text and description of the proposed organic governing documents.

(4) ELECTIONS.—

(A) IN GENERAL.—Upon the request of the Native Hawaiian Interim Governing Council, the Secretary shall hold an election for the purpose of ratifying the proposed organic governing documents. If the Secretary fails to act within 45 days of the request by the Council, the Council is authorized to conduct the election.

(B) FAILURE TO ADOPT GOVERNING DOCUMENTS.—If the proposed organic governing documents are not adopted by a majority vote of the adult members listed on the roll, the Native Hawaiian Interim Governing Council shall consult with the adult members listed on the roll to determine which elements of the proposed organic governing documents were found to be unacceptable, and based upon such consultation, the Council shall propose changes to the proposed organic governing documents.

(C) ELECTION.—Upon the request of the Native Hawaiian Interim Governing Council, the Secretary shall hold a second election for the purpose of ratifying the proposed organic governing documents. If the Secretary fails to act within 45 days of the request by the Council, the Council is authorized to conduct the second election.

(c) ORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING BODY.—

(1) RECOGNITION OF RIGHTS.—The right of the Native Hawaiian governing body of the indigenous, native people of Hawaii to organize for its common welfare, and to adopt appropriate organic governing documents is hereby recognized by the United States.

(2) RATIFICATION.—The organic governing documents of the Native Hawaiian governing body shall become effective when ratified by a majority vote of the adult members listed on the roll, and approved by the Secretary upon the Secretary's determination that the organic governing documents are consistent with applicable Federal law and the special trust relationship between the United States and its native people. If the Secretary fails to make such a determination within 45 days of the ratification of the organic governing documents by the adult members listed on the roll, the organic governing documents shall be deemed to have been approved by the Secretary.

(3) ELECTION OF GOVERNING OFFICERS.—Within 45 days after the Secretary has approved the organic governing documents or the organic governing documents are deemed approved, the Secretary shall assist the Native Hawaiian Interim Governing Council in holding an election by secret ballot for the purpose of determining the individuals who will serve as governing body officers as provided in the organic governing documents.

(4) VOTING ELIGIBILITY.—For the purpose of this initial election and notwithstanding any provision in the organic governing documents to the contrary, absentee balloting shall be permitted and all adult members of the Native Hawaiian governing body shall be entitled to vote in the election.

(5) FUTURE ELECTIONS.—All further elections of governing body officers shall be conducted as provided for in the organic governing documents and ordinances adopted in accordance with this Act.

(6) REVOCATION; RATIFICATION OF AMENDMENTS.—When ratified by a majority vote of the adult members of those listed on the roll, the organic governing documents shall be revocable by an election open to the adult members of the Native Hawaiian governing body, and amendments to the organic governing documents may be ratified by the same process.

(7) ADDITIONAL RIGHTS AND POWERS.—In addition to all powers vested in the Native Hawaiian governing body by the duly ratified organic governing documents, the organic governing documents shall also vest in the Native Hawaiian governing body the rights and powers to—

(A) exercise those governmental authorities that are recognized by the United States as the powers and authorities that are exercised by other governments representing the indigenous, native people of the United States;

(B) provide for the protection of the civil rights of the members of the Native Hawaiian governing body and all persons subject to the authority of the Native Hawaiian governing body, and to assure that the Native Hawaiian governing body exercises its authority consistent with the requirements of section 202 of the Act of April 11, 1968 (25 U.S.C. 1302);

(C) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian governing body without the consent of the Native Hawaiian governing body;

(D) determine the membership in the Native Hawaiian governing body; and

(E) negotiate with Federal, State, and local governments, and other entities.

(d) FEDERAL RECOGNITION.—

(1) RECOGNITION.—Notwithstanding any other provision of law, upon the approval by the Secretary of the organic governing documents of the Native Hawaiian governing body and the election of officers of the Native Hawaiian governing body, Federal recognition is hereby extended to the Native Hawaiian governing body as the representative governing body of the Native Hawaiian people.

(2) NO DIMINISHMENT OF RIGHTS OR PRIVILEGES.—Nothing contained in this Act shall diminish, alter, or amend any existing rights or privileges enjoyed by the Native Hawaiian people which are not inconsistent with the provisions of this Act.

(e) INCORPORATION OF THE NATIVE HAWAIIAN GOVERNING BODY.—

(1) CHARTER OF INCORPORATION.—Upon petition of the Native Hawaiian governing body, the Secretary may issue a charter of incorporation to the Native Hawaiian governing body. Upon the issuance of such charter of incorporation, the Native Hawaiian governing body shall have the same status under Federal law when acting in its corporate capacity as the status of Indian tribes that have been issued a charter of incorporation under the authority of section 17 of the Indian Reorganization Act (25 U.S.C. 477).

(2) ENUMERATED POWERS.—Such charter may authorize the incorporated Native Hawaiian governing body to exercise the power to purchase, take by gift, bequest, or otherwise, own, hold, manage, operate, and dispose of property of every description, real and personal, including the power to purchase lands and to issue an exchange of interests in corporate property, and such further powers as may be incidental to the conduct of corporate business, and that are not inconsistent with law.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out the activities authorized in sections 4, 6, and 7 of this Act.

SEC. 9. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS.

(a) REAFFIRMATION.—The delegation by the United States of authority to the State of Hawaii to address the conditions of Native Hawaiians contained in the Act entitled ''An Act to provide for the admission of the State of Hawaii into the Union'' approved March 18, 1959 (Public Law 86–3; 73 Stat. 5) is hereby reaffirmed.

(b) NEGOTIATIONS.—Upon the Federal recognition of the Native Hawaiian governing body pursuant to section 7(d) of this Act, the United States is authorized to negotiate and enter into an agreement with the State of Hawaii and the Native Hawaiian governing body regarding the transfer of lands, resources, and assets dedicated to Native Hawaiian use under existing law as in effect on the date of enactment of this Act to the Native Hawaiian governing body.

SEC. 10. DISCLAIMER.

Nothing in this Act is intended to serve as a settlement of any claims against the United States.

SEC. 11. REGULATIONS.

The Secretary is authorized to make such rules and regulations and such delegations of authority as the Secretary deems necessary to carry out the provisions of this Act.

SEC. 12. SEVERABILITY.

In the event that any section or provision of this Act, or any amendment made by this Act is held invalid, it is the intent of Congress that the remaining sections or provisions of this Act, and the amendments made by this Act, shall continue in full force and effect.

Mr. INOUYE. Mr. President, I rise today to support and cosponsor a bill, introduced by my dear friend and colleague Senator DANIEL AKAKA, which formally expresses the policy of the United States with regard to its relationship with Native Hawaiians.

Mr. President, I have had the honor of serving as the Senator from Hawai'i since 1962. And for twenty of those years I have been privileged to sit on the Committee on Indian Affairs where I have been a staunch supporter of rights for American Indians, Alaska Natives, and Native Hawaiians. The bill reaffirms that the United States has not only a legal and political relationship with the native people of Hawai'i, but a special trust relationship to promote the welfare of the Native Hawaiian people.

The Constitution empowers the Congress to direct the United States' relationship with American Indians as aboriginal, indigenous, native people. As territory was added to the United States, it came to be understood that Congress also has the authority to address the conditions of the native people of those areas that have become part of the United States, namely Alaska Natives and Native Hawaiians. Although the three groups of native people are ethnically and culturally unique and distinct from one another, the United States recognizes that it has a special trust relationship with each group. This special relationship allows Congress to treat native people differently than its other citizens.

Over the course of the last 80 years, the Congress has enacted over 150 public laws that recognize and affect Native Hawaiians as native people. And

most recently, the United States filed an amicus curiae brief in the United States Supreme Court that clearly established that the United States has a political and legal relationship with Native Hawaiians. The United States, through the actions of its legislative and executive branches, has viewed and treated Native Hawaiians as aboriginal, indigenous, native people.

This bill clarifies that the United States has a legal and political relationship with Native Hawaiians as the aboriginal, indigenous, native people of Hawai'i and reaffirms the Constitutional authority of the Congress to address the conditions of Native Hawaiians through legislation. The bill also reaffirms the policy of the United States that Native Hawaiians have the inherent right to self-determination, self-governance, and the right to autonomy in their internal affairs. Most importantly this bill establishes a process by which Native Hawaiians can reorganize their governing body.

Mr. President, since I have served in the Congress, the United States' policy toward its native people has been one of self-determination. We now deal with American Indian Tribes and Alaska Natives Villages on a sovereign-to-sovereign basis. I think that this is the appropriate policy. Unfortunately, Native Hawaiians have not had the opportunity to fully enjoy this self-determination policy because we have failed to establish the framework for a government-to-government relationship. This bill would provide that framework. This bill is just, right, and long overdue.

ADDITIONAL COSPONSORS

S. 309

At the request of Mr. MCCAIN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 309, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 512

At the request of Mr. GORTON, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 1064

At the request of Mr. THURMOND, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1064, a bill to provide for the location of the National Museum of the United States Army.

S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1898

At the request of Mr. DORGAN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1898, a bill to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

S. 1902

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1902, a bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2419

At the request of Mr. JOHNSON, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2419, a bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 2476

At the request of Mr. BURNS, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2476, a bill to amend the Communications Act of 1934 in order to prohibit any regulatory impediments to completely and accurately fulfilling the sufficiency of support mandates of the national statutory policy of universal service, and for other purposes.

S. 2516

At the request of Mr. THURMOND, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2516, a bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service.

S. 2645

At the request of Mr. THOMPSON, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2645, a bill to provide for the application of certain measures to the People's Republic of China in response to the illegal sale, transfer, or misuse of certain controlled goods, services, or technology, and for other purposes.

S. 2729

At the request of Mr. CONRAD, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2729, a bill to amend the Internal Revenue Code of 1986 and the Surface Mining Control and Reclamation Act of 1977 to restore stability and equity to the financing of the United Mine Workers of America Combines Benefit Fund by eliminating the liability of reachback operations, to provide additional sources of revenue to the Fund, and for other purposes.

At the request of Mr. SMITH of Oregon, the names of the Senator from Minnesota (Mr. GRAMS), the Senator from Texas (Mr. GRAMM), the Senator from Texas (Mrs. HUTCHISON), the Senator from Tennessee (Mr. FRIST), the Senator from Florida (Mr. MACK), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 2729, supra.

S. 2733

At the request of Mr. SANTORUM, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2781

At the request of Mr. BENNETT, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2781, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market

value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 2787

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2793

At the request of Mr. HOLLINGS, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2793, a bill to amend the Communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments.

S. 2825

At the request of Mr. ROCKEFELLER, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2825, a bill to strengthen the effectiveness of the earned income tax credit in reducing child poverty and promoting work.

S. 2868

At the request of Mr. FRIST, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2868, a bill to amend the Public Health Service Act with respect to children's health.

S. CON. RES. 130

At the request of Mr. ABRAHAM, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Con. Res. 130, concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

S.J. RES. 50

At the request of Mr. CRAPO, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. J. Res. 50, a joint resolution to disapprove a final rule promulgated by the Environmental Protection Agency concerning water pollution.

S. RES. 133

At the request of Mr. ABRAHAM, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 133, a resolution supporting religious tolerance toward Muslims.

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as ''National Veterans Awareness Week'' for the presentation of such educational programs.

AMENDMENT NO. 3917

At the request of Mr. MCCAIN, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Kansas (Mr. BROWNBACK), and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of amendment No. 3917 proposed to H.R. 4461, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENT NO. 3922

At the request of Mr. WELLSTONE, the names of the Senator from Iowa (Mr. HARKIN), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of amendment No. 3922 proposed to H.R. 4461, a bill making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

AMENDMENTS SUBMITTED

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

EDWARDS AMENDMENT NO. 3954

(Ordered to lie on the Table.)

Mr. EDWARDS submitted an amendment intended to be proposed by him to the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 40, line 17, after the period, insert the following:

''For an additional amount for the rural community advancement program under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), $50,000,000, to remain available until expended, to provide loans under the community facility direct and guaranteed loans program and grants under the community facilities grant program under paragraphs (1) and (19), respectively, of section 306(a) of that Act (7 U.S.C. 1926 (a)) with respect to areas in the State of North Carolina subject to a declaration of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5125 et seq.) as a result of Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the $50,000,000 shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) *Provided further*, That the $50,000,000 is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balance Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).''

COCHRAN AMENDMENT NO. 3955

Mr. COCHRAN proposed an amendment to amendment No. 3938 proposed by Mr. HARKIN to the bill, H.R. 4461, supra; as follows:

On page 2 of the amendment: Strike ''established by the Secretary'' and insert in lieu thereof: ''Promulgated with the advice of the National Advisory Committee on Microbiological Criteria for Foods and that are shown to be adulterated''.

TORRICELLI (AND REED) AMENDMENT NO. 3956

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself and Mr. REED) submitted an amendment intended to proposed by him to the bill, H.R. 4461, supra; as follows:

On page 50, line 6, before the period, insert the following: '': *Provided further*, That funds made available under this heading shall be made available for sites participating in the special supplemental nutrition program for women, infants, and children to—

''(1) determine whether a child eligible to participate in the program has received a blood lead screening test, using a test that is appropriate for age and risk factors, upon the enrollment of the child in the program.

HATCH (AND OTHERS) AMENDMENT NO. 3957

(Ordered to lie on the table.)

Mr. HATCH (for himself, Mr. DURBIN, Mr. JOHNSON, Mr. SCHUMER, Mr. DEWINE, Mr. LEAHY, Mr. WYDEN, Mrs. FEINSTEIN, Mr. GRAHAM, and Mr. VOINOVICH) submitted an amendment intended to be proposed by them to the bill, H.R. 4461, supra; as follows:

On page 56, line 9, strike ''$313,143,000'' and insert ''$315,143,000''.

On page 57, line 2, strike ''$78,589,000'' and insert ''$76,589,000''.

SPECTER (AND OTHERS) AMENDMENT NO. 3958

(Ordered to lie on the table.)

Mr. SPECTER (for himself, Mr. KOHL, Mr. MOYNIHAN, Mr. SANTORUM, Mr. KERRY, Mr. BIDEN, Mrs. HUTCHISON, Mr. LAUTENBERG, Mr. SCHUMER, Mr. WARNER, and Mr. JEFFORDS) submitted an amendment intended to be proposed by them to the bill, H.R. 4461, supra; as follows:

At the end of chapter 6 of title II of division B, add the following:

SEC. 2607. Amtrak is authorized to obtain services from the Administrator of General Services, and the Administrator is authorized to provide services to Amtrak, under sections 201(b) and 211(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481(b) and 491(b)) for fiscal year 2001 and each fiscal year thereafter until the fiscal year that Amtrak operates without

Federal operating grant funds appropriated for its benefit, as required by sections 24101(d) and 24104(a) of title 49, United States Code.

DASCHLE AMENDMENTS NOS. 3959–3960

(Ordered to lie on the table.)

Mr. DASCHLE submitted two amendments intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

AMENDMENT NO. 3959

On page 75, between lines 16 and 17, insert the following:

SEC. 740. GOOD FAITH RELIANCE.—The Food Security Act of 1985 is amended by inserting after section 1230 (16 U.S.C. 3830) the following:

"SEC. 1230A. GOOD FAITH RELIANCE.

"(a) IN GENERAL.—Except as provided in subsection (d) and notwithstanding any other provision of this chapter, the Secretary shall provide equitable relief to an owner or operator that has entered into a contract under this chapter, and that is subsequently determined to be in violation of the contract, if the owner or operator in attempting to comply with the terms of the contact and enrollment requirements took actions in good faith reliance on the action or advice of an authorized representative of the Secretary.

"(b) TYPES OF RELIEF.—The Secretary shall—

"(1) to the extent the Secretary determines that an owner or operator has been injured by good faith reliance described in subsection (a), allow the owner or operator—

"(A) to retain payments received under the contract;

"(B) to continue to receive payments under the contract;

"(C) to keep all or part of the land covered by the contract enrolled in the applicable program under this chapter; or

"(D) to reenroll all or part of the land covered by the contract in the applicable program under this chapter; and

"(2) require the owner or operator to take such actions as are necessary to remedy any failure to comply with the contract.

"(c) RELATION TO OTHER LAW.—The authority to provide relief under this section shall be in addition to any other authority provided in this or any other Act.

"(d) EXCEPTION.—This section shall not apply to a pattern of conduct in which an authorized representative of the Secretary takes actions or provides advice with respect to an owner or operator that the representative and the owner or operator know are inconsistent with applicable law (including regulations).".

AMENDMENT NO. 3960

On page 13, line 13, strike "$62,207,000" and insert "$62,457,000".

On page 13, line 16, strike "$121,350,000" and insert "$121,100,000".

LEVIN AMENDMENTS NOS. 3961–3962

(Ordered to lie on the table.)

Mr. LEVIN submitted two amendments intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

AMENDMENT NO. 3961

On page 89, after line 19, add the following:

SEC. 1111. TREE ASSISTANCE PROGRAM.—The Secretary of Agriculture may use $9,000,000 of funds of the Commodity Credit Corporation to provide assistance to producers to replace or rehabilitate trees (other than trees used for pulp or timber) and vineyards damaged by natural disasters or fireblight during the 2000 calendar year: *Provided*, That the Secretary shall promulgate regulations to implement this section without regard to the provisions described in the second sentence of section 263(a) of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1421 note; Public Law 106–224): *Provided further*, That the entire amount shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.): *Provided further*, That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

AMENDMENT NO. 3962

On page 75, between lines 16 and 17, insert the following:

Sec. 7___. BOVINE TUBERCULOSIS.—It is the sense of the Senate that the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, should—

(1) declare an emergency regarding bovine tuberculosis; and

(2) make available funds of the Commodity Credit Corporation for eradication of bovine tuberculosis.

DORGAN (AND OTHERS) AMENDMENT NO. 3963

Mr. DORGAN (for himself, Mr. TORRICELLI, Mr. CONRAD, Mr. WELLSTONE, Mr. SCHUMER, Mr. LEVIN, Mr. LEAHY, Mr. GRAMS, Mr. KENNEDY, Mr. REED, Mr. SARBANES, Mr. DODD, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. HOLLINGS, Mr. BAUCUS, and Mr. BREAUX proposed an amendment to the bill, H.R. 4461, supra; as follows:

At the end of chapter 1 of title I of division B, add the following:

SEC. 1108. CROP LOSS ASSISTANCE.—(a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation (not to exceed $900,000,000) to make emergency financial assistance available to producers on a farm that have incurred losses in a 2000 crop due to a disaster, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), including using the same loss thresholds as were used in administering that section.

(c) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to damaging weather or related condition (including losses due to scab, sclerotinia, aflotoxin, and other crop diseases) associated with crops that are, as determined by the Secretary—

(1) quantity losses (including quantity losses as a result of quality losses);

(2) quality losses; or

(3) severe economic losses.

(d) CROPS COVERED.—Assistance under this section shall be applicable to losses for all crops, as determined by the Secretary, due to disasters.

(e) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(f) LIVESTOCK INDEMNITY PAYMENTS.—The Secretary may use such sums as are necessary of funds made available under this section to make livestock indemnity payments to producers on a farm that have incurred losses during calendar year 2000 for of livestock losses due to a disaster, as determined by the Secretary.

(g) HAY LOSSES.—The Secretary may use such sums as are necessary of funds made available under this section to make payments to producers on a farm that have incurred losses of hay stock during calendar year 2000 due to a disaster, as determined by the Secretary.

(h) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SEC. 1109. SPECIALTY CROPS.—(a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers of fruits, vegetables, and other specialty crops, as determined by the Secretary, that incurred losses during the 1999 crop year due to a disaster, as determined by the Secretary.

(b) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to a disaster associated with specialty crops that are, as determined by the Secretary—

(1) quantity losses;

(2) quality losses; or

(3) severe economic losses.

(c) ELIGIBILITY.—Assistance under this section shall be applicable to losses for all specialty crops, as determined by the Secretary, due to disasters.

(d) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(e) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

HARKIN AMENDMENT NO. 3964

Mr. COCHRAN (for Mr. HARKIN) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 76, after line 18, of Division B, as modified, insert:

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

''For an additional amount for ''Watershed and Flood Prevention Operations,'' to repair damages to the waterways and watersheds, including the purchase of floodplain easements, resulting from natural disasters, $70,000,000, to remain available until expended: *Provided*. That funds shall be used for activities identified by July 18, 2000: *Provided further*. That the entire amount shall be available only to the extent an official budget request for $70,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.''

GRAHAM (AND MACK) AMENDMENT NO. 3965

Mr. COCHRAN (for Mr. GRAHAM (for himself and Mr. MACK) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 85, after line 8, insert the following:

SEC. ____.—In using amounts made available under section 801(a) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000 (7 U.S.C. 1421 note; Public Law 106–78), or under the matter under the heading ''CROP LOSS ASSISTANCE'' under the heading ''COMMODITY CREDIT CORPORATION FUND'' of H.R. 3425 of the 106th Congress, as enacted by section 1001(a)(5) of Public Law 106–113 (113 Stat. 1536, 1501A–289), to provide emergency financial assistance to producers on a farm that have incurred losses in a 1999 crop due to a disaster, the Secretary of Agriculture shall consider nursery stock losses caused by Hurricane Irene on October 16 and 17, 1999, to be losses to the 1999 crop of nursery stock: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress: *Provided further*, That the entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

LOTT (AND OTHERS) AMENDMENT NO. 3966

Mr. COCHRAN (for Mr. LOTT (for himself, Mr. COCHRAN, and Mr. KOHL)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 85, after line 8 of Division B, as modified, add the following:

Sec. Notwithstanding section 1237(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3837(b)(1)), the Secretary of Agriculture may permit the enrollment of not to exceed 1,075,00 acres in the wetlands reserve program: *Provided*, That notwithstanding section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i), such sums as may be necessary, to remain available until expended, shall be provided through the Commodity Credit Corporation in fiscal year 2000 for technical assistance activities performed by an agency of the Department of Agriculture in carrying out this section: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

LEAHY (AND JEFFORDS) AMENDMENT NO. 3967

Mr. COCHRAN (for Mr. LEAHY (for himself, and Mr. JEFFORDS)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 25, after line 8 of Division B as modified, insert:

SEC. . In addition to other compensation paid by the Secretary of Agriculture, the Secretary shall compensate or otherwise seek to make whole, from funds of the Commodity Credit Corporation, not to exceed $4,000,000, the owners of all sheep destroyed from flocks under the Secretary's declarations of July 14, 2000 for lost income, or other business interruption losses, due to actions of the Secretary with respect to such sheep: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

HARKIN (AND BOND) AMENDMENT NO. 3968

Mr. COCHRAN (for Mr. HARKIN (for himself, and Mr. BOND)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 76, after line 18, of Division B, as modified, insert the following:

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

For an additional amount for the Grain Inspection, Packers and Stockyards Administration, $600,000 for completion of a biotechnology reference facility: *Provided*, That the entire amount shall be available only to the extent an official budget request for $600,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement in accordance with section 251(b)(2)(A) of that Act.

GRAHAM (AND MACK) AMENDMENT NO. 3969

Mr. COCHRAN. (for Mr. GRAHAM (for himself and Mr. MACK)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 83, line 5, strike the following: ''; and (e) compensate commercial producers for losses due to citrus canker''.

On page 85, after line 8, insert the following:

SEC. . (a) Nothwithstanding any other provision of law (including the Federal Grants and Cooperative Agreements Act) the Secretary of Agriculture shall use not more than $40,000,000 of Commodity Credit Corporation funds for a cooperative program with the state of Florida to replace commercial trees removed to control citrus canker and to compensate for lost production: *Provided*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. et seq.), is transmitted by the President to Congress: *Provided further*, That the entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

COCHRAN AMENDMENT NO. 3970

Mr. COCHRAN proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 76, strike lines 6 through 18 and insert in lieu thereof:

''For an additional amount for ''Salaries and Expenses'', $59,400,000 to be available until September 30, 2001: *Provided*, That this amount shall be used for the Boll weevil eradication program for cost share purposes or for debt retirement for active eradication zones: *Provided*, That the entire amount shall be available only to the extent an official budget request for $59,400,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.''

THURMOND (AND HOLLINGS) AMENDMENT NO. 3971

Mr. COCHRAN (for Mr. THURMOND (for himself and Mr. HOLLINGS)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

At the appropriate place in chapter 1 of title I of division B, insert the following:

For an additional amount for the Secretary of Agriculture to provide financial assistance to the State of South Carolina in capitalizing the South Carolina Grain Dealers Guaranty Fund, $2,500,000: *Provided*, That these funds shall only be available if the State of South Carolina provides an equal amount to the South Carolina Grain Dealers

Guaranty Fund: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

COCHRAN AMENDMENT NO. 3972

Mr. COCHRAN proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 85, after line 8, of Division B, as modified, add the following:

SEC. (a). None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel of the Department of Agriculture to carry out section 211 of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 3830 note; Public Law 106–224) unless—

(1) the Secretary permits funds made available under section 211(b) of the Agricultural Risk Protection Act of 2000 to be used to provide financial or technical assistance to farmers and ranchers for the purposes described in section 211(b) of that Act; and

(2) notwithstanding section 387(c) of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a(c)), the Secretary permits funds made available under section 211 of the Agricultural Risk Protection Act of 2000 (16 U.S.C. 3830 note; Public Law 106–224) to be used to provide additional funding for the Wildlife Habitat Incentive Program established under that section 387 in such sums as the Secretary considers necessary to carry out that Program.

(b) The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

SESSIONS AMENDMENT NO. 3973

Mr. COCHRAN (for Mr. SESSIONS) proposed an amendment to the bill, H.R. 4461, supra; as follows:

In section 1107, after the first proviso insert ''*Provided further*, That of the $450,000,000 amount, the Secretary shall use not less than $5,000,000 to provide assistance for emergency haying and feed operations in the State of Alabama:''.

EDWARDS AMENDMENT NO. 3974

Mr. COCHRAN (for Mr. EDWARDS) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 40, line 17, after the period, insert the following:

''For an additional amount for the rural community advancement program under subtitle E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009 et seq.), $50,000,000, to remain available until expended, to provide loans under the community facility direct and guaranteed loans program and grants under the community facilities grant program under paragraphs (1) and (19), respectively, of section 306(a) of that Act (7 U.S.C. 1926(a)) with respect to areas in the State of North Carolina subject to a declaration of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of Hurricane Floyd, Hurricane Dennis, or Hurricane Irene: *Provided*, That the $50,000,000 shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) *Provided further*, That the $50,000,000 is designated by Congress as an emergency requirement under section 251 (b)(2)(A) of the Balance Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901 (b)(2)(A)).

DORGAN (AND OTHERS) AMENDMENT NO. 3975

Mr. COCHRAN (for Mr. DORGAN (for himself, Mr. TORRICELLI, Mr. CONRAD, Mr. WELLSTONE, Mr. SCHUMER, Mr. LEVIN, Mr. LEAHY, Mr. GRAMS, Mr. KENNEDY, Mr. REED, Mr. SARBANES, Mr. DODD, Mr. LIEBERMAN, Ms. MIKULSKI, Mr. HOLLINGS, Mr. BAUCUS, and Mr. BREAUX)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

At the end of chapter 1 of title I of division B, add the following:

SEC. 1108. CROP LOSS ASSISTANCE.—(a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation (not to exceed $900,000,000) to make emergency financial assistance available to producers on a farm that have incurred losses in a 2000 crop due to a disaster, as determined by the Secretary.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), including using the same loss thresholds as were used in administering that section.

(c) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to damaging weather or related condition (including losses due to scab, sclerotinia, aflotoxin, and other crop diseases) associated with crops that are, as determined by the Secretary—

(1) quantity losses (including quantity losses as a result of quality losses);

(2) quality losses; or

(3) severe economic losses.

(d) CROPS COVERED.—Assistance under this section shall be applicable to losses for all crops, as determined by the Secretary, due to disasters.

(e) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(f) LIVESTOCK INDEMNITY PAYMENTS.—The Secretary may use such sums as are necessary of funds made available under this section to make livestock indemnity payments to producers on a farm that have incurred losses during calendar year 2000 for of livestock losses due to a disaster, as determined by the Secretary.

(g) HAY LOSSES.—The Secretary may use such sums as are necessary of funds made available under this section to make payments to producers on a farm that have incurred losses of hay stock during calendar year 2000 due to a disaster, as determined by the Secretary.

(h) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

SEC. 1109. SPECIALTY CROPS.—(a) IN GENERAL.—The Secretary of Agriculture shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers of fruits, vegetables, and other specialty crops, as determined by the Secretary, that incurred losses during the 1999 crop year due to a disaster, as determined by the Secretary.

(b) QUALIFYING LOSSES.—Assistance under this section may be made available for losses due to a disaster associated with specialty crops that are, as determined by the Secretary—

(1) quantity losses;

(2) quality losses; or

(3) severe economic losses.

(c) ELIGIBILITY.—Assistance under this section shall be applicable to losses for all specialty crops, as determined by the Secretary, due to disasters.

(d) CROP INSURANCE.—In carrying out this section, the Secretary shall not discriminate against or penalize producers on a farm that have purchased crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(e) EMERGENCY REQUIREMENT.—

(1) IN GENERAL.—The entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement under the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), is transmitted by the President to Congress.

(2) DESIGNATION.—The entire amount necessary to carry out this section is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of that Act (2 U.S.C. 901(b)(2)(A)).

INOUYE AMENDMENT NO. 3976

Mr. COCHRAN (for Mr. INOUYE) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 85 after line 8 of Division B, as modified, insert:

SEC. . Notwithstanding any other provision of law, the Secretary of Agriculture shall make a payment in the amount of $7,200,000 to the State of Hawaii from the Commodity Credit Corporation for assistance to an agricultural transportation cooperative in Hawaii, the members of which are

eligible to participate in the Farm Service Agency administered Commodity Loan Program and have suffered extraordinary market losses due to unprecedented low prices.

GRAMM AMENDMENT NO. 3977

Mr. GRAMM proposed an amendment to the Cochran motion to waive the Congressional Budget Act relative to the bill, H.R. 4461, supra; as follows:

Strike all after the first word, and insert the following:

''I move to waive section 205 of the budget resolution for consideration of the Harkin Amendment.''

COCHRAN AMENDMENT NO. 3978

Mr. COCHRAN proposed an amendment to amendment No. 3977 proposed by Mr. GRAMM to the motion to waive the Congressional Budget Act relative to the bill, H.R. 4461, supra; as follows:

Strike the word ''waive'' in the pending amendment and insert the following:

Section 205(c) of H. Con. Res. 290 with respect to all emergency designations in this bill and all amendments filed at the desk at this time to this bill other than Amendment No. 3918.

SMITH OF OREGON (AND WYDEN) AMENDMENT NO. 3979

(Ordered to lie on the table.)

Mr. SMITH of Oregon (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill, H.R. 4461, supra; as follows:

On page 75, between lines 16 and 17, insert the following:

SEC. ____. ASSISTANCE TO FARMERS IN THE PACIFIC NORTHWEST SUFFERING FROM DUSKY CANADA GOOSE DEPREDATION.—(a) IN GENERAL.—Notwithstanding any other provision of this Act, of the funds made available by this Act, $250,000 shall be available to the Wildlife Services division of the Animal and Plant Health Inspection Service for use in assisting farmers in the Pacific Northwest that are suffering losses due to dusky Canada Goose depredation.

(b) OFFSET.—The amount made available under subsection (a) shall be derived by transfer of a proportionate amount from each other account from which this Act makes funds available for travel, supplies, and printing expenses.

DURBIN (AND OTHERS) AMENDMENT NO. 3980

Mr. COCHRAN (for Mr. DURBIN (for himself, Mrs. BOXER, and Mr. HARKIN)) proposed an amendment to the bill, H.R. 4461, as follows:

In section 3102, after the first sentence insert the following: ''This section does not limit the authority of the Secretary to promulgate final rules or to revise or amend subpart 3809 of title 43, Code of Federal Regulations, so as to require full financial assurance of reclamation of mining sites to protect the taxpayers from the actions of hardrock mining operations that cause damage to or destruction of public land; to prevent environmental destruction that unduly threatens fish or wildlife habitat; and to prevent toxic pollution that threatens public health or the environment.''.

BAUCUS AMENDMENT NO. 3981

Mr. BAUCUS proposed an amendment to the bill, H.R. 4461, supra; as follows:

Strike section 3104 and insert the following:

SEC. 3104. STUDY OF OREGON INLET, NORTH CAROLINA, NAVIGATION PROJECT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Army, shall have conducted, and submited to Congress, a restudy of the project for navigation, Manteo (Shallowbag) Bay, North Carolina, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818), to evaluate all reasonable alternatives, including nonstructural alternatives, to the authorized inlet stabilization project at Oregon Inlet.

(b) REQUIRED ELEMENTS.—In carrying out subsection (a), the Secretary of the Army, shall—

(1) take into account the views of affected interests; and

(2)(A) take into account objectives in addition to navigation, including—

(i) complying with the policies of the State of North Carolina regarding construction of structural measures along State shores; and

(ii) avoiding or minimizing adverse impacts to, or benefiting, the Cape Hatteras National Seashore and the Pea Island National Wildlife Refuge; and

(B) develop options that meet those objectives.

SMITH OF NEW HAMPSHIRE (AND BOXER) AMENDMENT NO. 3982

Mr. COCHRAN (for Mr. SMITH of New Hampshire (for himself and Mrs. BOXER)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 20, line 8, strike the ''.'' and insert in lieu thereof the following: '': *Provided further*, That no less than $1 million of the funds available under this heading made available for wildlife services methods development, the Secretary of Agriculture shall conduct pilot projects in no less than four states representative of wildlife predation of livestock in connection with farming operations for direct assistance in the application of non-lethal predation control methods: *Provided further*, That the General Accounting Office shall report to the Committee on Appropriations by November 30, 2001, on the Department's compliance with this provision and on the effectiveness of the non-lethal measures.''.

BOXER (AND MCCONNELL) AMENDMENT NO. 3983

Mr. KOHL (for Mrs. BOXER (for herself and Mr. MCCONNELL)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

At the appropriate place in the bill, insert the following:

''SEC. . Section 2111(a)(3) of the Organic Foods Production Act of 1990 (7 U.S.C.. 651(a)(3)) is amended by adding after sulfites, 'except in the production of wine,'.''.

GRAMS AMENDMENT NO. 3984

Mr. COCHRAN (for Mr. GRAMS) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 75, after line 16 insert the following, ''SEC. . None of the funds made available by this Act may be used to require an office of the Farm Service Agency that is using FINPACK on May 17, 1999, for financial planning and credit analysis, to discontinue use of FINPACK for six months from the date of enactment of this Act.''

HOLLINGS (AND THURMOND) AMENDMENT NO. 3985

Mr. KOHL (for Mr. HOLLINGS (for himself and Mr. THURMOND)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 93 of division B, as modified, after line 21, insert the following:

''SEC. . Notwithstanding any other provision of law, the Sea Island Health Clinic located on Johns Island, South Carolina, shall remain eligible for assistance and funding from the Rural Development community facilities programs administered by the Department of Agriculture until such time new population data is available from the 2000 Census.''.

REED (AND CHAFEE) AMENDMENT NO. 3986

Mr. KOHL (for Mr. REED (for himself, and Mr. L. CHAFEE)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 34, line 23, before the period at the end, insert the following: '': *Provided further*, That of the funds made available for watershed and flood prevention activities, $500,000 shall be available for a study to be conducted by the Natural Resources Conservation Service in cooperation with the town of Johnston, Rhode Island, on floodplain management for the Pocasset River, Rhode Island''.

BINGAMAN (AND LEAHY) AMENDMENT NO. 3987

Mr. KOHL (for Mr. BINGAMAN (for himself and Mr. LEAHY)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 36, lines 20 through 25, strike ''including grants for drinking and waste disposal systems pursuant to Section 306C of such Act: *Provided further*, That the Federally Recognized Native American Tribes are not eligible for any other rural utilities program set aside under Rural Community Advancement Program:'' and insert ''of which (1) $1,000,000 shall be available for rural business opportunity grants under section 306(a)(11) of that Act (7 U.S.C. 1926(a)(11)), (2) $5,000,000 shall be available for community facilities grants for tribal college improvements under section 306(a)(19) of that Act (7 U.S.C. 1926(a)(19)), (3) $15,000,000 shall be available for grants for drinking water and waste disposal systems under section 306C of that Act (7 U.S.C. 1926c) to federally recognized Native American Tribes that are not eligible to receive funds under any other rural utilities program set-aside under the rural community advancement program, and (4) $3,000,000 shall be available for rural business enterprise grants under section 310B(c) of that Act (7 U.S.C. 1932(c)):''.

BYRD AMENDMENT NO. 3988

Mr. KOHL (for Mr. BYRD) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 84, line 23 after ''section'', insert '': *Provided further*, That of the funds made

available by this section, up to $40,000,000 may be used to carry out the Pasture Recovery Program: *Provided further*, That the payments to a producer made available through the Pasture Recovery Program shall be no less than 65 percent of the average cost of reseeding''.

DODD (AND LIEBERMAN) AMENDMENT NO. 3989

Mr. KOHL (for Mr. DODD (for himself and Mr. LIEBERMAN)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 95, after line 22, add the following new section:

SEC. . None of the funds made available in this Act or in any other Act may be used to recover part or all of any payment erroneously made to any oyster fisherman in the State of Connecticut for oyster losses under the program established under section 1102(b) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of Division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277)), and the regulations issued pursuant to such section 1102(b).

WYDEN AMENDMENT NO. 3990

Mr. KOHL (for Mr. WYDEN) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 17, line 1 strike ''; and'' and insert ''; and for the Oregon State University Agriculture Extension Service, $176,000 for the Food Electronically and Effectively Distributed (FEED) website demonstration project; and''; line 8, strike ''$12,107,000'' and insert ''$12,283,000'' and strike ''$426,504,000'' and insert ''$426,680,000''; on line 19, strike ''$43,541,000'' and insert ''$43,365,000''; on line 25, strike ''6,000,000'' and insert ''$5,824,000''.

BYRD (AND COCHRAN) AMENDMENT NO. 3991

Mr. KOHL (for Mr. BYRD (for himself and Mr. COCHRAN)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

At the appropriate place in the bill, insert the following:

''SEC. . Hereafter, the Secretary of Agriculture shall consider any borrower whose income does not exceed 115 percent of the median family income of the United States as meeting the eligibility requirements for a borrower contained in section 502(h)(2) of the Housing Act of 1949 (42 U.S.C. 1472(h)(2)).

KOHL AMENDMENT NO. 3992

Mr. KOHL proposed an amendment to the bill, H.R. 4461, supra; as follows:

In Division B, strike section 1106 and insert the following new section:

''SEC. 1106. The Secretary shall use the funds, facilities and authorities of the Commodity Credit Corporation to make and administer supplemental payments to dairy producers who received a payment under section 805 of Public Law 106–78 in an amount equal to thirty-five percent of the reduction in market value of milk production in 2000, as determined by the Secretary, based on price estimates as of the date of enactment of this Act, from the previous five-year average and on the base production of the producer used to make a payment under section 805 of Public Law 106–78: *Provided*, That these funds shall be available until September 30, 2001: *Provided further*, That the Secretary shall make payments to producers under this section in a manner consistent with and subject to the same limitations on payments and eligible production as, the payments to dairy producers under section 805 of Public Law 106–78: *Provided further*, That the Secretary shall make provisions for making payments, in addition, to new producers: *Provided further*, That for any producers, including new producers, whose base production was less than twelve months for purposes of section 805 of Public Law 106–78, the producer's base production for the purposes of payments under this section may be, at the producer's option, the production of that producer in the twelve months preceding the enactment of this section or the producer's base production under the program operated under section 805 of Public Law 106–78 subject to such limitations as apply to other producers: *Provided further*, That the entire amount necessary to carry out this section shall be available only to the extent that an official budget request for the entire amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.''

HUTCHINSON (AND OTHERS) AMENDMENT NO. 3993

Mr. COCHRAN (for Mr. HUTCHINSON (for himself, Mr. CLELAND, and Mrs. LINCOLN)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. —Section 321(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(b)) is amended by adding at the end the following:

''(3) LOANS TO POULTRY FARMERS.—

''(A) INABILITY TO OBTAIN INSURANCE.—

''(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer did not have hazard insurance at the time of the loss, if the farmer—

''(I) applied for, but was unable, to obtain hazard insurance for the chicken house;

''(II) uses the loan to rebuild the chicken house in accordance with industry standards in effect on the date the farmer submits an application for the loan (referred to in this paragraph as 'current industry standards');

''(III) obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

''(IV) meets the other requirements for the loan under this subtitle.

''(ii) AMOUNT.—Subject to the limitation contained in §324(a)(2) the amount of a loan made to a poultry farmer under clause (i) shall be an amount that will allow the farmer to rebuild the chicken house in accordance with current industry standards.

''(B) LOANS TO COMPLY WITH CURRENT INDUSTRY STANDARDS.—

''(i) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may make a loan to a poultry farmer under this subtitle to cover the loss of a chicken house for which the farmer had hazard insurance at the time of the loss, if—

''(I) the amount of the hazard insurance is less than the cost of rebuilding the chicken house in accordance with current industry standards;

''(II) the farmer uses the loan to rebuild the chicken house in accordance with current industry standards;

''(III) the farmer obtains, for the term of the loan, hazard insurance for the full market value of the chicken house; and

''(IV) the farmer meets the other requirements for the loan under this subtitle.

''(ii) AMOUNT.—Subject to the limitation contained in §324(a)(2) the amount of a loan made to a poultry farmer under clause (i) shall be the difference between—

''(I) the amount of the hazard insurance obtained by the farmer; and

''(II) the cost of rebuilding the chicken house in accordance with current industry standards.''.

TORRICELLI AMENDMENT NO. 3994

Mr. KOHL (for Mr. TORRICELLI) proposed an amendment to the bill, H.R. 4461, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. SENSE OF THE SENATE REGARDING PREFERENCE FOR ASSISTANCE FOR VICTIMS OF DOMESTIC VIOLENCE.

It is the sense of the Senate that the Secretary of Agriculture, in selecting public agencies and nonprofit organizations to provide transitional housing under section 592(c) of subtitle G of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11408a(c)), should consider preferences for agencies and organizations that provide transitional housing for individuals and families who are homeless as a result of domestic violence.

TORRICELLI (AND REED) AMENDMENT NO. 3995

Mr. KOHL (for Mr. TORRICELLI (for himself and Mr. REED)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 50, line 6, before the period, insert the following: '': *Provided further*, That funds made available under this heading shall be made available for sites participating in the special supplemental nutrition program for women, infants, and children to—

''(1) determine whether a child eligible to participate in the program has received a blood lead screening test, using a test that is appropriate for age and risk factors, upon the enrollment of the child in the program.

HATCH (AND OTHERS) AMENDMENT NO. 3996

Mr. COCHRAN (for Mr. HATCH (for himself, Mr. DEWINE, Mr. LEAHY, Mr. WYDEN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. VOINOVICH, and Mr. DURBIN)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 56, line 9, strike ''$313,143,000'' and insert ''$315,143,000''.

On page 57, line 2, strike ''$78,589,000'' and insert ''$76,589,000''.

HARKIN (AND OTHERS) AMENDMENT NO. 3997

Mr. KOHL (for Mr. HARKIN (for himself, Mr. BINGAMAN, Mr. HUTCHINSON, and Mr. NICKLES)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 96 of the modified division B, after line 2, insert the following:

DRUG ENFORCEMENT ADMINISTRATION (DOMESTIC ENHANCEMENTS)

METHAMPHETAMINE LAB CLEANUP ASSISTANCE FOR STATE AND LOCAL LAW ENFORCEMENT

For an additional amount for drug enforcement administration, $5,000,000 for the Drug Enforcement Agency to assist in State and local methamphetamine lab cleanup (including reimbursement for costs incurred by State and local governments for lab cleanup since March 2000): *Provided,* That the entire amount shall be available only to the extent an official budget request for $5,000,000, that includes designation of the entire amount of the request as an emergency requirement as defined by the Balanced Budget and Emergency Deficit Control Act of 1985 is transmitted by the President to the Congress: *Provided further,* That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

LANDRIEU AMENDMENT NO. 3998

Mr. KOHL (for Ms. LANDRIEU) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 4, line 12, before the period at the end of the line, insert ": *Provided,* that the Chief Financial Officer shall actively market cross-servicing activities of the National Finance Center".

NICKLES AMENDMENT NO. 3999

Mr. COCHRAN (for Mr. NICKLES) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 13, line 13, strike "$62,207,000" and insert in lieu thereof "$63,157,000".

On page 13, line 16, strike "$121,350,000" and insert in lieu thereof "$120,400,000".

CAMPBELL AMENDMENT NO. 4000

Mr. COCHRAN (for Mr. CAMPBELL) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 93 of division-B, as modified, after line 21 insert the following:

"GENERAL PROVISION—THIS TITLE

"SEC. . In addition to amounts appropriated or otherwise made available in Public Law 106–58 to the Department of the Treasury, Department-wide Systems and Capital Investments Programs, $123,000,000, to remain available until September 30, 2001, for maintaining and operating the current Customs Service Automated Commercial System: *Provided,* That the funds shall not be obligated until the Customs Service has submitted to the Committees on Appropriations an expenditure plan which has been approved by the Treasury Investment Review Board, the Department of the Treasury, and the Office of Management and Budget: *Provided further,* That none of the funds may be obligated to change the functionality of the Automated Commercial System itself: *Provided further,* That the entire amount shall be available only to the extend that an official budget request for $123,000,000, that includes designation of the entire amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further,* That the entire amount made available under this section is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.".

KENNEDY AMENDMENT NO. 4001

Mr. KOHL (for Mr. KENNEDY) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 57, line 2, strike "$78,589,000" and insert "$72,589,000".

On page 57, line 10, insert before the period the following: ": *Provided further,* That in addition to amounts otherwise appropriated under this heading to the Food and Drug Administration, an additional $6,000,000 shall be made available of which $5,000,000 shall be made available for the Centers for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs, and $1,000,000 shall be made available to the National Center for Toxicological Research".

NICKLES (AND INOUYE) AMENDMENT NO. 4002

Mr. COCHRAN (for Mr. NICKLES (for himself and Mr. INOUYE)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 71, line 3, strike the comma and insert the following: "prior to July 1, 2001,".

FEINGOLD (AND JEFFORDS) AMENDMENT NO. 4003

Mr. KOHL (for Mr. FEINGOLD (for himself and Mr. JEFFORDS)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 75, between lines 16 and 17, insert the following:

SEC. 740. NATURAL CHEESE STANDARD.—(a) PROHIBITION.—Section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341) is amended—

(1) by striking "Whenever" and inserting "(a) Whenever"; and

(2) by adding at the end the following:

"(b) The Commissioner may not use any Federal funds to amend section 133.3 of title 21, Code of Federal Regulations (or any corresponding similar regulation or ruling), to include dry ultra-filtered milk or casein in the definition of the term 'milk' or 'nonfat milk', as specified in the standards of identity for cheese and cheese products published at part 133 of title 21, Code of Federal Regulations (or any corresponding similar regulation or ruling).".

(b) IMPORTATION STUDY.—Not later than ____ days after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study to determine—

(A) the quantity of ultra-filtered milk that is imported annually into the United States; and

(B) the end use of that imported milk; and

(2) submit to Congress a report that describes the results of the study.

SESSIONS AMENDMENT NO. 4004

Mr. COCHRAN (for Mr. SESSIONS) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 13, line 13, strike "62,207,000" and insert "62,707,000".

On page 13, line 16, strike "121,350,000" and insert in lieu thereof "120,850,000".

BOXER AMENDMENT NO. 4005

Mr. KOHL (for Mrs. BOXER) proposed an amendment to the bill, H.R. 4461, supra; as follows:

At the appropriate place in Title VII, insert the following: "None of the funds appropriated by this act to the U.S. Department of Agriculture may be used to implement or administer the final rule issued in Docket number 97–110, at 65 Federal Register 37608–37669 until such time as USDA completes an independent peer review of the rule and the risk assessment underlying the rule."

LEAHY (AND OTHERS) AMENDMENT NO. 4006

Mr. KOHL (for Mr. LEAHY (for himself, Mr. JEFFORDS, and Mr. KOHL)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 75, between lines 16 and 17, insert the following:

SEC. . DAIRY EXPORT INCENTIVE PROGRAM.—Section 153(c) of the Food Security Act of 1985 (15 U.S.C. 713a–14(c)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5)(A) any award entered into under the program that is canceled or voided after June 30, 1995, is made available for reassignment under the program as long as a World Trade Organization violation is not incurred; and

"(B) any reassignment under subparagraph (A) is not reported as a new award when reporting the use of the reassigned tonnage to the World Trade Organization."

On page 36, line 9, strike "749,284,000" and insert in lieu thereof "759,284,000"; on page 36, line 12 strike "634,360,000" and insert in lieu thereof "644,360,000".

CAMPBELL (AND OTHERS) AMENDMENT NO. 4007

Mr. COCHRAN (for Mr. CAMPBELL (for himself, Mr. DORGAN, Mr. CONRAD, and Mr. DOMENICI)) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 50, line 22, before the period, insert the following: "*Provided further,* That, of funds made available under this heading and not already appropriated to the Food Distribution Program on Indian Reservations (FDPIR) established under section 4(b) of the Food Stamp Act of 1977 (7 U.S.C. 2013(b), (1) an additional amount not to exceed $7,300,000 shall be used to purchase bison for the FDPIR and to provide a mechanism for the purchases from Native American producers and cooperative organizations".

WARNER AMENDMENT NO. 4008

Mr. COCHRAN (for Mr. WARNER) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 13, line 13, strike ''$62,207,000'' and insert ''$62,707,000''.

On page 13, line 16, strike ''$121,350,000'' and insert * * *.

WELLSTONE AMENDMENT NO. 4009

Mr. KOHL (for Mr. WELLSTONE) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 47, line 8, after ''areas,'', insert the following: ''of which not more than $3,000,000 may be used to make grants to rural entities to promote employment of rural residents through teleworking, including to provide employment-related services, such as outreach to employers, training, and job placement, and to pay expenses relating to providing high-speed communications services, and''.

JOHNSON AMENDMENT NO. 4010

Mr. KOHL (for Mr. JOHNSON) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 75, between lines 16 and 17, insert the following:

SEC. 740. STATE AGRICULTURAL MEDIATION PROGRAMS.—(a) ELIGIBLE PERSON; MEDIATION SERVICES.—Section 501 of the Agricultural Credit Act of 1987 (7 U.S.C. 5101) is amended—

(1) in subsection (c), by striking paragraphs (1) and (2) and inserting the following:

''(1) ISSUES COVERED.—

''(A) IN GENERAL.—To be certified as a qualifying State, the mediation program of the State must provide mediation services to persons described in paragraph (2) that are involved in agricultural loans (regardless of whether the loans are made or guaranteed by the Secretary or made by a third party).

''(B) OTHER ISSUES.—The mediation program of a qualifying State may provide mediation services to persons described in paragraph (2) that are involved in 1 or more of the following issues under the jurisdiction of the Department of Agriculture:

''(i) Wetlands determinations.

''(ii) Compliance with farm programs, including conservation programs.

''(iii) Agricultural credit.

''(iv) Rural water loan programs.

''(v) Grazing on National Forest System land.

''(vi) Pesticides.

''(vii) Such other issues as the Secretary considers appropriate.

''(2) PERSONS ELIGIBLE FOR MEDIATION.—The persons referred to in paragraph (1) include—

''(A) agricultural producers;

''(B) creditors of producers (as applicable); and

''(C) persons directly affected by actions of the Department of Agriculture.''; and

(2) by adding at the end the following:

''(d) DEFINITION OF MEDIATION SERVICES.—In this section, the term 'mediation services', with respect to mediation or a request for mediation, may include all activities related to—

''(1) the intake and scheduling of cases;

''(2) the provision of background and selected information regarding the mediation process;

''(3) financial advisory and counseling services (as appropriate) performed by a person other than a State mediation program mediator; and

''(4) the mediation session.''.

(b) USE OF MEDIATION GRANTS.—Section 502(c) of the Agricultural Credit Act of 1987 (7 U.S.C. 5102(c)) is amended—

(1) by striking ''Each'' and inserting the following:

''(1) IN GENERAL.—Each''; and

(2) by adding at the end the following:

''(2) OPERATION AND ADMINISTRATION EXPENSES.—For purposes of paragraph (1), operation and administration expenses for which a grant may be used include—

''(A) salaries;

''(B) reasonable fees and costs of mediators;

''(C) office rent and expenses, such as utilities and equipment rental;

''(D) office supplies;

''(E) administrative costs, such as workers' compensation, liability insurance, the employer's share of Social Security, and necessary travel;

''(F) education and training;

''(G) security systems necessary to ensure the confidentiality of mediation sessions and records of mediation sessions;

''(H) costs associated with publicity and promotion of the mediation program;

''(I) preparation of the parties for mediation; and

''(J) financial advisory and counseling services for parties requesting mediation.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 506 of the Agricultural Credit Act of 1987 (7 U.S.C. 5106) is amended by striking ''2000'' and inserting ''2005''.

HARKIN AMENDMENT NO. 4011

Mr. KOHL (for Mr. HARKIN) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 13, line 16, strike $121,350,000'' and insert ''$120,650,000''.

On page 15, line 2, strike ''$494,744,000'' and insert ''$494,044,000''.

On page 17, line 8, strike ''$426,504,000'' and insert ''$427,204,000''.

DASCHLE AMENDMENT NO. 4012

Mr. KOHL (for Mr. DASCHLE) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 75, between lines 16 and 17, insert the following:

SEC. 740. GOOD FAITH RELIANCE.—The Food Security Act of 1985 is amended by inserting after section 1230 (16 U.S.C. 3830) the following:

''SEC. 1230A. GOOD FAITH RELIANCE.

''(a) IN GENERAL.—Except as provided in subsection (d) and notwithstanding any other provision of this chapter, the Secretary shall provide equitable relief to an owner or operator that has entered into a contract under this chapter, and that is subsequently determined to be in violation of the contract, if the owner or operator in attempting to comply with the terms of the contact and enrollment requirements took actions in good faith reliance on the action or advice of an authorized representative of the Secretary.

''(b) TYPES OF RELIEF.—The Secretary shall—

''(1) to the extent the Secretary determines that an owner or operator has been injured by good faith reliance described in subsection (a), allow the owner or operator to do any one or more of the following—

''(A) to retain payments received under the contract;

''(B) to continue to receive payments under the contract;

''(C) to keep all or part of the land covered by the contract enrolled in the applicable program under this chapter;

''(D) to reenroll all or part of the land covered by the contract in the applicable program under this chapter;

''(E) or any other eq2uitable relief the Secretary deems appropriate; and

''(2) require the owner or operator to take such actions as are necessary to remedy any failure to comply with the contract.

''(c) RELATION TO OTHER LAW.—The authority to provide relief under this section shall be in addition to any other authority provided in this or any other Act.

''(d) EXCEPTION.—This section shall not apply to a pattern of conduct in which an authorized representative of the Secretary takes actions or provides advice with respect to an owner or operator that the representative and the owner or operator know are inconsistent with applicable law (including regulations).''.

''(e) APPLICABILITY OF RELIEF.—Relief under this section shall be available for contracts in effect on January 1, 2000 and for a subsequent contracts.''.

FEINGOLD AMENDMENT NO. 4013

Mr. KOHL (for Mr. FEINGOLD) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 89, after line 19, add the following:

SEC. 1111. AVAILABILITY OF DATA ON IMPORTED HERBS.—The Secretary of Agriculture and the Secretary of the Treasury, shall publish and otherwise make available (including through electronic media) data collected monthly by each Secretary on herbs imported into the United States.

ROBB AMENDMENT NO. 4014

Mr. KOHL (for Mr. ROBB) proposed an amendment to the bill, H.R. 4461, supra; as follows:

On page 15, line 6, before the period, insert: '': *Provided*, That this paragraph should not apply to research on the medical, biotechnological, food, and industrial uses of tobacco''.

WARNER AMENDMENT NO. 4015

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to the bill, H.R. 4461, supra; as follows:

On page 75, between lines 16 and 17, insert the following:

SEC. 7___. COMPETITION IN CONTRACTING FOR TRAINING SERVICES.—(a) IN GENERAL.—Section 1669 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5922) is repealed.

(b) TRANSITION PROVISION.—Any order or agreement entered into under that section shall continue in effect until the date of termination of the order or agreement but may not be renewed.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that the oversight hearing originally scheduled for Thursday, July 20, 2000, at 9:30 a.m., before the Committee on Energy and Natural Resources, has been rescheduled. The purpose of this hearing is to receive testimony from

representatives of the U.S. General Accounting Office on their investigation of the Cerro Grande Fire in the State of New Mexico, and from Federal agencies on the Cerro Grande Fire and their fire policies in general.

The hearing will take place on Thursday, July 27, 2000, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the Committee staff at (202) 224–6969.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON FORESTS AND PUBLIC MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing scheduled for July 21, 2000, at 9:30 a.m., to receive testimony on the Draft Environmental Impact Statement implementing the October 1999 announcement by President Clinton to review approximately 40 million acres of national forest lands for increased protection, has been postponed until Wednesday, July 26, 2000, at 2:30 pm. The hearing will take place in lieu of the previously scheduled hearing to receive testimony on potential timber sale contract liability incurred by the government as a result of timber sale contract cancellations. The hearing will take place in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224–6170.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that privilege of the floor be granted to a member of my staff, Jay Smith, during the pendency of the Agriculture appropriations bill.

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

Mr. HARKIN. Mr. President, I ask unanimous consent that the privilege of the floor be granted to James Dunn of my staff during the pendency of the Agriculture appropriations bill.

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

Mr. HATCH. Mr. President, I ask unanimous consent that Bruce Artim, a fellow in my office, be granted the privilege of the floor for this session of Congress.

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

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. SESSIONS. Madam President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nomination on the Executive Calendar: No. 624, Norman Y. Mineta, to be Secretary of Commerce.

I further ask unanimous consent the nomination be confirmed, the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

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

The nomination considered and confirmed is as follows:

DEPARTMENT OF COMMERCE

Norman Y. Mineta, of California, to be Secretary of Commerce.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

ORDERS FOR FRIDAY, JULY 21, 2000

Mr. SESSIONS. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. on Friday, July 21. I further ask consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of a conference report to accompany H.R. 4810, the reconciliation bill.

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

PROGRAM

Mr. SESSIONS. Madam President, when the Senate convenes at 9 a.m., the Senate will immediately resume debate on the reconciliation conference report. Under the order, there are 30 minutes of debate remaining, with a vote to occur at approximately 9:30 a.m. The leader has announced that the 9:30 a.m. vote will be the only vote of the day.

Following the vote, the Senate will begin consideration of the energy and water appropriations bill. Amendments will be in order, and those Senators who intend to offer amendments to the bill should contact the bill managers as soon as possible. Any votes ordered with respect to the energy and water appropriations bill will be stacked to occur at a time to be determined Monday.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. SESSIONS. Madam President, 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 10:24 p.m., adjourned until Friday, July 21, 2000, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 20, 2000:

THE JUDICIARY

ANDREW FOIS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE EUGENE N. HAMILTON, TERM EXPIRING.

OVERSEAS PRIVATE INVESTMENT CORPORATION

MIGUEL D. LAUSELL, OF PUERTO RICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2000, VICE JOHN CHRYSTAL.

MIGUEL D. LAUSELL, OF PUERTO RICO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2003. (REAPPOINTMENT)

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF ENGINEERS, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND 3036:

To be lieutenant general

MAJ. GEN. ROBERT B. FLOWERS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. MICHAEL L. DODSON, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DANIEL J. PETROSKY, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE SURGEON GENERAL, UNITED STATES ARMY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3036:

To be lieutenant general

MAJ. GEN. JAMES B. PEAKE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES S. MAHAN, JR., 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOSEPH K. KELLOGG, JR., 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. H. STEVEN BLUM, 0000

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be colonel

MICHAEL R. MAROHN, 0000

CONFIRMATION

Executive nomination confirmed by the Senate July 20, 2000:

DEPARTMENT OF COMMERCE

NORMAN Y. MINETA, OF CALIFORNIA, TO BE SECRETARY OF COMMERCE.

HOUSE OF REPRESENTATIVES—*Thursday, July 20, 2000*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God, our Refuge and our Strength, there are people who suffer today amidst the blessings of this Nation. There are suffering people everywhere known to You alone. Help us to come to an understanding of suffering, the wisdom it brings, and the power it has to transform human lives.

There are those who suffer the consequences of their own wrongdoing and faulty judgment. There are those who suffer at the hands of those they love and others in the hands of unjust oppressors, victims of war, abuse, illness, neglect and the death of a loved one.

There are those who suffer routinely and endure criticism daily just for being good and working for what is right and just.

But there are also those who, by Your Spirit, embrace suffering out of dedication to their country, their profession or their family. There are even those who embrace suffering out of love for You and You alone.

May hope and forgiveness sustain those weakened by pain and may love and justice transform human suffering into joy.

You are our Strength now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. LANTOS) come forward and lead the House in the Pledge of Allegiance.

Mr. LANTOS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 1791. An act to amend title 18, United States Code, to provide penalties for harming animals used in Federal law enforcement.

H.R. 4249. An act to foster cross-border cooperation and environmental cleanup in Northern Europe.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 707. An act to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

H.R. 2392. An act to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes.

The message also announced that the Senate has passed bills and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 2102. An act to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland and for other purposes.

S. 2712. An act to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes.

S. Con. Res. 57. Concurrent resolution concerning the emancipation of the Iranian Baha'i community.

S. Con. Res. 113. Concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

S. Con. Res. 122. Concurrent resolution recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania and calling for positive steps to promote a peaceful and democratic future for the Baltic region.

S. Con. Res. 124. Concurrent resolution expressing the sense of Congress with regard to Iraq's failure to provide the fullest possible accounting of United States Navy Commander Michael Scott Speicher and prisoners of war from Kuwait and nine other nations in violation of international agreements.

S. Con. Res. 126. Concurrent resolution expressing the sense of Congress that the President should support free and fair elections and respect for democracy in Haiti.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 15 one-minute speeches on each side.

HILLARY CLINTON MIRED IN ANOTHER CONTROVERSY

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, candidate Hillary Clinton is mired in another controversy. She has been accused of using an obscene ethnic slur when her husband lost a race for Congress in the 1970s. More than one person says they heard it, and now it is out in the open.

It has been said that the character of a person can sometimes best be seen in how they carry themselves when they lose. Ethnic slurs or throwing things are not generally regarded as marks of strong character.

Ms. Clinton, of course, denies that it ever happened. It sort of depends though on what the meaning of ''it'' is. Does it not?

Her husband says it did not happen, or at least not quite the way the other witnesses claimed it happened. He says something like it may have happened, because he says, and I quote, she has never been ''pure on profanity.'' Not much of a defense there.

There are three witnesses who claim she did, and two, she and her husband, who claim she did not.

I just want to ask one question. Can anyone imagine Barbara Bush being accused of this or Nancy Reagan or Rosalyn Carter or Betty Ford or Pat Nixon or Lady Bird Johnson? There is definitely a stature gap here.

PERSECUTION AND HARASSMENT OF FREE PRESS IN RUSSIA MUST END

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, as President Clinton makes his way to the G–8 Summit in Japan, there is no more important item on the agenda than to tell Mr. Putin, the President of Russia, that the persecution and the harassment of the free press in Russia must come to an end.

I have called to my colleagues' attention in the last few weeks the systematic harassment and persecution of the one remaining free media network in Russia. Yesterday this persecution was escalated to a new level when the Government authorities took steps to seize the personal property of Vladimir Gusinsky, the head of Media-Most which owns NTV Television Network,

Echo of Moscow Radio, and other independent media ventures.

Mr. Putin must understand that there is no room for Russia in the community of free and democratic nations, if he and his thugs are determined to destroy a free press. This harassment must come to an end, or relations between the free democracies of the world and the new totalitarian Russia will take a serious turn for the worse.

WORKING ON BEHALF OF THE AMERICAN PEOPLE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, Napoleon Bonaparte once said ''if you wish to be a success in the world, promise everything, deliver nothing.'' Promise everything, deliver nothing. That also happens to be the mantra of our Democratic leadership on the other side.

We all know, however, how Napoleon's plans turned out. Thankfully, this Republican-led Congress realized the importance of promises it made to the American people, and this Republican Congress is keeping those promises.

We passed a responsible, affordable, and voluntary Medicare prescription drug plan. We passed a Commerce, Justice, State Department Appropriations Act, which provides the resources necessary to fight crime and enforce our laws.

We passed a Defense appropriations bill which boosts funding for critical military readiness and gives our servicemen and women a much-deserved pay raise. Instead of just touting useless rhetoric and making empty promises, this Republican Congress has and will continue to take action in addressing the problems facing the American people.

INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, the issue of international child abduction is one of the most important to me, and to the parents of the 10,000 American children who have been abducted to foreign countries. These children have lost years of time with their parents, and their parents have missed watching them grow up. It is outrageous that American children are being held hostage in other countries by unlawful noncustodial parents and unresponsive foreign justice systems.

In February of 1998, Aryssa Torabi was abducted by her father to Tehran, Iran. Aryssa's father was able to leave the country with fraudulent custody papers. A Federal warrant was issued for his arrest and the FBI has become involved in the case.

In May of this year, Aryssa's mother found her through the work of a private investigator who was able to speak with the family, with the abductor's family, and get some pictures of her. The reports from the family are that Aryssa is extremely unhappy.

Children like Aryssa and her mother should not be kept apart, we must continue to do all that we can to take action on this issue.

Mr. Speaker, we must bring our children home.

FOOD STAMP PROGRAM

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the Food Stamp Program is designed to help indigent families feed their children. This is a noble goal.

Unfortunately, widespread abuses in the food stamp program cost American taxpayers an estimated $1.4 billion in 1998 due to improper payments.

That is money denied to thousands of poor American children throughout the Nation. In fact, food stamp reforms such as the electronic benefits system, the EBT, which has replaced food stamps in 29 States, have actually generated more welfare fraud.

In one instance, two people in Beaumont, Texas, were convicted of trafficking in EBT food stamp benefits in exchange for crack cocaine. And in another, the owner of a meat and seafood market redeemed more than 331,000 in EBT food stamp benefits, even though virtually no food was purchased.

We cannot let this continue. For the sake of our children and for the sake of the taxpayer, we must do a better job of eliminating waste, fraud, and abuse.

DISASTER WAITING TO HAPPEN ON U.S. BORDERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a study finally admits, and I quote, ''America's borders are so wide open, terrorists could easily smuggle a nuclear bomb across both our borders.'' Think about it, 3 million illegal immigrants, heroin and cocaine by the tons, and now a report that further says it is so bad in some areas orange cones are used like scarecrows with no border patrol presence at all.

Unbelievable. We have soldiers vaccinating dogs in Haiti, while terrorists can bring nukes across our border. Beam me up here. Who master-minded this policy? The Proctologist Association of North America?

Mr. Speaker, I yield back a disaster waiting to happen on the borders of the United States of America with a Congress sleeping at the switch.

GAS PRICES

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, throughout our summer gas crisis, the Clinton-Gore administration has played possum with the American people. They have claimed that the gas crisis was not caused by a supply issue and blamed oil companies for price gouging. But a recently released internal memorandum obtained from the Department of Energy by the gentleman from Wisconsin (Mr. RYAN) tells a different story.

The Energy Department memo dated June 5 indicates that ''high consumer demand and low inventories have caused higher prices for all gasoline types.'' The memo also indicates that recently implemented gasoline standards may increase costs. But not 10 days after this memo was drafted, Secretary Browner told more than 30 Midwestern Members of Congress that the gas price hike was inexplicable.

The Clinton-Gore administration has lost e-mails, lost important files and lost nuclear secrets. Now, we can add the true reason for the energy crisis to the lost list.

TRIBUTE TO LUTHER ROSS WILSON

(Mr. STENHOLM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STENHOLM. Mr. Speaker, I rise today to honor Ross Wilson, former manager of the Southwestern Peanut Growers' Association. Widely regarded as the Nation's most knowledgeable person on the subject of the U.S. peanut industry, Ross has retired after spending the last 44 years of his life working for the betterment of the American farmer.

Ross is a native of Brownwood, Texas and a graduate of Daniel Baker College and Southwest Texas State University. He began his career as a teacher and a coach in Gorman, Texas where he eventually served as principal and superintendent.

In 1956, Ross was hired as the manager of the Southwestern Peanut Growers' Association where he oversaw the administration of the peanut program in the Southwest. In addition to serving on numerous boards and committees, he chaired the National Peanut Council Board of Directors, the Peanut Administrative Committee, and the Southwest Peanut Research and Education Advisory Committee.

In 1973, the Texas Agricultural Agents Association gave him their Man of the Year in Agriculture award, and in 1974, the Progressive Farmer magazine named him Man of the Year in Texas agriculture.

Ross has been active in civic affairs, helping to organize the Gorman Chamber of Commerce and serving as Gorman's mayor.

□ 1015

He also served as chairman of the Upper Leon River Municipal Water District.

GENETIC DISCRIMINATION

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I rise today to join my colleague, the gentlewoman from New York (Mrs. SLAUGHTER), in support of H.R. 2457, the Genetic Nondiscrimination in Health Insurance and Employment Act.

Mr. Speaker, this bill would protect the fundamental civil right of all Americans against genetic discrimination. Genetic discrimination is an issue whose time has come. As most of us are aware, on June 26 of this year it was announced that the first draft of the human genomic map has been completed. A decade ago, scanning genes for disease-linked mutations seemed unimaginable. In the past 5 years alone, over 50 new genetic tests have been identified to make detection of genetic conditions, and it is now possible to find the genetic mutations associated with such malignancies as breast cancer, colon cancer, Huntington's disease, heart disease, Alzheimer's disease just to name a few.

Unfortunately, as a consequence, we not only hear stories of successful treatment for some of these diseases, but we are hearing stories of lives being destroyed because of denial of health insurance or loss of jobs.

We must end this terrible practice of genetic discrimination. We should do it now.

MEDICAL RECORDS PRIVACY

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, Americans are growing increasingly aware that the most intimate information they possess about themselves, their health information, is not only unprotected, but freely shared among corporate and other interests.

I am particularly concerned about the security of genetic information. With the recent completion of the rough draft of the human genome, increasing numbers of people will consider taking genetic tests to learn more about their future health. But unless we protect the privacy of this information, people will refuse to take the genetic tests or even to participate in the research. We then risk having billions of dollars spent on genetic research go to waste and the enormous promise of this research to go unfulfilled.

Right now, the Senate Health, Education, Labor and Pensions Committee is holding a hearing on genetic discrimination in employment. Shamefully, the House of Representatives has never held a single hearing on genetic discrimination, and we cannot afford to waste any more time.

I urge my colleagues to cosponsor H.R. 2457, the Genetic Nondiscrimination in Health Insurance and Employment Act, and please sign discharge petition No. 11 to bring this bill to the House floor for a vote immediately.

REPUBLICAN INITIATIVES BENEFIT THE AMERICAN PEOPLE

(Mr. ROYCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROYCE. Mr. Speaker, Republicans want to preserve and protect social security and the Medicare trust fund, and we have. We have set aside 100 percent of the trust fund revenues for social security and for Medicare. We have ended the process that existed in the past before the Republicans became the majority of borrowing out of those trust funds.

In addition, we have given workers the right to invest their money in the retirement plan of their choice, because yesterday we passed the IRA and the 401(k) expansion plan, we increased the contribution limits now to IRAs from $2,000 to $5,000 a year, and the 401(k) salary contribution to $15,000.

This is going to help our economy. This is going to help job creation. We have paid down close to $300 billion in public debt, and under our budget, we will pay off the $3.5 trillion public debt even while eliminating penalties on the American people, like the marriage tax, and bringing more dollars to the classroom for our children's education. We increase that education budget by 10 percent.

Mr. Speaker, this Republican Congress has taken the initiative on securing America's future, and should be proud of what it has accomplished.

URGING MEMBERS TO ASK THAT THE PRESIDENT PASS MARRIAGE TAX PENALTY RELIEF LEGISLATION

(Mr. SCHAFFER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHAFFER. Mr. Speaker, in just a few hours the House and Senate will agree on the marriage tax penalty repeal bill and send it over to the President. He says he will veto it. That would be unfortunate. I just ran into a high school student, Matt Heaton, from New Jersey, who told me he understands this issue.

When the Federal government taxes people for getting married, he says, it is betraying the faith of the American people. We should be rewarding couples who get married, not punishing them. It is insulting to our people to punish them for entering the sacred union of marriage. When young people clearly express American values by expressing their love for one another through marriage, it would be the height of infidelity to punish them for it.

Yet, the President now threatens to veto this pro-family bill. The marriage tax is hurting those who need money the most. It robs middle class families of resources that could be used for such things as child health care or education, maybe even a college education.

I urge my friends on both sides of the aisle to press the President to join us in repealing the marriage tax penalty. It is the sensible thing to do. It is the American thing to do. It is the right thing to do in our efforts to honor American families.

A TRIBUTE TO THE UPLAND PUBLIC HOUSING AUTHORITY AND AN APPEAL TO REDUCE SECTION 8 PROGRAM BUREAUCRACY AND RED TAPE

(Mr. GARY MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY MILLER of California. Mr. Speaker, I rise today to give praise to the city of Upland Public Housing Authority, its executive director, Sammie Szabo, and her staff for their hard work and accomplishments administering the Section 8 public housing program.

At this time many authorities are having a very difficult time utilizing allocated funds that come to them under the Section 8 housing program, but Upland has maintained a lease rate of 98 to 102 percent, a very commendable effort on their part.

How do we reward them? We make them work extra time and put in extra effort filling out meaningless paperwork for HUD to send to some bureaucrat in Washington, D.C., and they have to do this on their own time without compensation. This is ridiculous. We need to move forward with a great effort to eliminate much of this paperwork the bureaucracy here in Washington, D.C. requires of local officials, and allow them to do the good job they are trying to do.

IN STRONG SUPPORT OF PROTECTING GENETIC INFORMATION

(Mr. BENTSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, I rise today to strongly urge the Republican leadership to expedite consideration of two bills which will provide vital consumer protections for medical and genetic information.

The first bill, H.R. 4585, medical privacy legislation, was recently approved by the House Committee on Banking and Financial Services. During consideration of the bill, it would essentially offer an amendment which would for the first time provide real consumer protection for genetic information.

I also urge the House leadership to bring to the floor H.R. 2457, sponsored by our colleague, the gentlewoman from New York (Ms. SLAUGHTER), that would prohibit discrimination based upon genetic information.

With the recent announcement of the completion of the detailed map of the 24 pairs of the human chromosomes of the human genome project, it is vitally important that the Congress act now to protect genetic information.

As a representative of the Texas Medical Center, including the Baylor College of Medicine, where much of this breakthrough work is being done, I believe there is great promise in knowing this information. However, without sufficient protections, we risk that Americans will not agree to participate in gene therapy treatments to cure disease.

The real danger will be the potential to discriminate against individuals in their health insurance, their employment, and in their financial products. I urge the House to act on these important measures today.

MEDICARE-PLUS CHOICE PLANS DROPPED IN MANY PARTS OF RURAL AMERICA

(Mr. SHERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERWOOD. Mr. Speaker, I rise today to direct the attention of the House to an alarming trend, denying benefit options to Medicare beneficiaries on the basis of where they live.

The Medicare-plus choice program passed by Congress was intended to offer real health care options under Medicare. However, Americans in rural and smaller urban areas are being dropped from plans at an alarming rate. Many beneficiaries in my district have been notified they no longer have the option of enrolling in the Medicare HMO. It is an outrage that many of the disabled Americans and seniors can no longer enroll in a Medicare HMO because of discriminatory payment rates.

How can HCFA justify a monthly payment rate in my area of $400, and yet in larger cities of $700 to $800? This discrepancy is not justifiable, it offends my basic sense of fairness, and we must work, Congress and the administration must work together to reverse this trend, and restore the availability of the Medicare-plus choice payment program to all beneficiaries.

CONFERENCE REPORT ON H.R. 4810, MARRIAGE TAX RELIEF RECONCILIATION ACT OF 2000

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 559 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 559

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

SEC. 2. House Resolution 556 is laid on the table.

The SPEAKER pro tempore (Mr. BARR of Georgia). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished ranking member of the Committee on Rules, my friend, the gentleman from Massachusetts (Mr. MOAKLEY), pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 559 provides for the consideration of the conference report on H.R. 4810, the Marriage Tax Penalty Elimination Reconciliation Act of 2000. The rule waives all points of order against the conference report and its consideration, and it provides that the conference report shall be considered as read.

Mr. Speaker, we have certainly heard a lot of debate about the marriage penalty over the past week. Actually, the Republican majority has been working to address this inequity in our Tax Code for the past couple of years, and today's vote marks the fifth time that the House will vote to provide marriage penalty relief during the 106th Congress.

Let us hope that this oft-repeated debate has resonated at the other end of Pennsylvania Avenue, because it is time once again to put the ball in the President's court. Today's vote will send a stand-alone marriage tax penalty elimination bill to the President's desk for his signature.

We have heard some excuses as to why the President cannot sign this bill. Some argue that this tax relief favors only the rich, but that is just not true. The fact is that this bill helps anyone who is married, regardless of income, and the people who suffer most under the marriage penalty tax are the middle class.

That is right, the adverse effects of the marriage penalty are concentrated on families with income between $20,000 and $75,000. I am sure these folks would be surprised to learn that they are considered as rich. So let us get past the tired old ''tax cuts for the rich'' rhetoric. Let us do something novel and focus on the policy of the marriage penalty and debate its merits.

The marriage tax penalty is pretty simple to understand. It forces married individuals to pay more in taxes than they would have to pay if they stayed single. So we should ask ourselves, is there any merit to taxing marriage? Is there an acceptable rationale to increasing taxes on individuals based solely on their marital status? Do we want the government to send a message that ''You will pay a steep fee to get married, but you can avoid this financial burden if you just stay single and live with that significant other?''

If the answer to these questions is no, then why the resistance to elimination of this punitive tax? And if we can agree that the policy has no merit, then how can we give relief to only some married people and not to others? Is it possible to be too fair?

In my mind, if it is wrong to increase taxes on one couple because they are married, then we should not apply a tax penalty to any couple based on their marital status. Mr. Speaker, it seems to me that our only option in the face of this perverse discriminatory tax is to eliminate it entirely.

There are other arguments against passing this legislation. Some of my colleagues claim that the Republicans do not have their priorities straight because we are putting tax cuts above all else. But again, these accusations ignore the facts. I am pleased to remind my colleagues, Congress has already, already passed legislation to wall off both the social security and Medicare trust funds, already provided affordable, voluntary prescription drug coverage to seniors through Medicare, and already has paid down the national debt. We have also passed appropriation bills that invest more in education, biomedical research, veterans' health care, among many other priority programs.

In fact, while we would never know it from listening to some of the rhetoric, spending on discretionary programs will actually be increased this year. So it is just not true to say that tax cuts are gobbling up resources or stealing funds from needed programs.

The problem is that most of my Democratic colleagues just cannot stand the thought of loosening their grip on Americans' money. I do not know how big the surplus has to be for

all of us to feel that it is safe to give some of it back to the American people.

Let me put what we are doing into context. The Clinton administration has been making great hay in the last week about ''the Republicans' reckless attempts to provide relief from the marriage penalty and death tax.''

□ 1030

Earlier this week, the Congressional Budget Office announced that next year's surplus will be $268 billion. Of this $268 billion, only 2 percent will be used to correct the marriage penalty and the death tax, only 2 percent, while 83 percent will be devoted to debt reduction under the Republican proposal. Is it really so reckless to give 2 percent of the surplus back to the people who earned it?

Mr. Speaker, marriage is a sacred fundamental institution in our society that teaches our children about love, family, commitment, and honor. It should not be used as another cheap excuse to nickel and dime the American people.

Today we have an opportunity to set a wrong right and eliminate the marriage tax penalty. I urge my colleagues to do the right thing, support this rule and the conference report so we can give 25 million American families a little bit of their financial freedom back.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me the customary time; and I yield myself such time as I may consume.

Mr. Speaker, my Republican colleagues are at it again. They have taken a perfectly good idea to cut marriage taxes and twisted it into another convoluted program to help the rich and do very little for the rest.

This conference report, Mr. Speaker, could have made a real difference in the lives of millions and millions of working Americans, especially working Americans with children. But this conference report could have also included Democratic proposals to cut their taxes by enough to help them in their struggle to raise their children. But, Mr. Speaker, it did not.

This conference report includes the Republican version of the marriage relief. The Republican version does a lot more for the rich people than it does for everyone else, and all one has to do is really look at the bill to discover that.

Some of these richest people who will get the benefits in this bill do not even pay a marriage penalty in the first place. As has become the norm, the Republican bills and now the Republican conference report do far more for those in the upper classes in our economy than they do for anyone else, and all in order to have something to talk about in Philadelphia at the Republican convention.

Mr. Speaker, this issue affects millions of Americans and should be decided carefully, should be decided deliberately, not rushed to a vote in order to be finished in time so they can parade it out in the Republican convention.

Furthermore, Mr. Speaker, it is a fiscal disaster. My Republican colleagues may say this bill is less expensive than before, but that is not true. By moving the effective date of the 15 percent bracket change, this conference report is dramatically more expensive. It will cost $89 billion over 5 years; and unless my Republican colleagues plan to end the tax cuts by the year 2004, it will cost $250 billion over the next 10 years.

This enormous cost, Mr. Speaker, to benefit primarily rich families, will be born on the backs of the baby boomers while hoping that Medicare and Social Security will not fall apart just when they need it.

To make matters worse, Mr. Speaker, this bill does a great disservice to working families who make up to $30,000 a year. Those people, despite all their hard work, will not see much of a change in their EITC benefits because the Republican leadership decided against it.

This conference report is irresponsible. This conference report is shortsighted. It is very politically motivated. It could have given help to a lot of people, a lot of people who really need it. But it did not do so.

Mr. Speaker, this conference report does nearly nothing to help the middle- and lower-income working families to take care of their children. It is yet another expensive Republican scheme to help the richest American families. Mr. Speaker, it really should be in the trash can and not on the stage at the Republican convention.

This process is a sham. The report is a sham. The American people deserve better. I urge my colleagues to oppose this rule.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield 5 minutes to the distinguished gentleman from Illinois (Mr. WELLER), who has worked so hard to champion the cause to bring this legislation to fruition.

Mr. WELLER. Mr. Speaker, I rise in strong support of this rule and in strong support of our efforts to eliminate the marriage tax penalty. Many of us over the last several years have asked a very basic, fundamental question, that is, is it right, is it fair that, under our Tax Code, a married working couple, where both a husband and wife are in the workforce, that they pay higher taxes just because they are married? Is it right that 25 million married working couples, 50 million taxpayers pay on average $1,400 more in higher taxes just because they are married?

We call that $1,400 the marriage tax penalty. It affects married couples who, because they have two incomes, they are forced to file jointly, they are pushed into a higher tax bracket, and they pay higher taxes. It is a marriage tax penalty, and it is wrong.

Let me introduce to the House some constituents of mine, Michelle and Shad Hallihan, two public school teachers from a community of Manhattan, just south of Joliet, Illinois. Shad is a teacher at Joliet High School, Michelle at Manhattan Junior High. Their combined income is about $62,000. They are middle-class teachers. They are homeowners. Of course, since they were married, they have since had a child, little Ben. Remember their family. Someone new in their lives, and they are so proud of little Ben here who is growing very quickly.

Their marriage tax penalty is about $1,000 a year that they pay just because they are married. I think it is a fair question, is it right, is it fair that Shad and Michelle Hallihan, two public school teachers who work very hard every day, have a new little boy in their lives, have to pay higher taxes, send money to Washington just because they are married?

I am proud to say this conference report before it eliminates the marriage tax penalty that good people, hard-working middle-class people like Shad and Michelle Hallihan, pay every year because they are married.

Under our conference report, we help those who itemize their taxes as well as those who do not.

Now, my friends on the other side of the aisle say that, if one is middle class and one itemizes one's taxes usually because one is a homeowner or one gives money to one's institutions of faith or church or synagogue or charity, one is rich and one does not deserve marriage tax relief.

Well, Republicans and, fortunately, 48 Democrats believe we should help the middle-class homeowners who give money to charity. They are not rich; they work hard. Shad and Michelle Hallihan make $62,000 a year. They itemize their taxes.

Now, we help those who do not itemize their taxes in this conference by doubling the standard deduction. That is used by those who do not itemize their taxes. We double that for joint filers to twice that as singles.

For those who are itemizers, like Michelle and Shad Hallihan and little Ben who are homeowners, so they are forced to itemize, we widen the 15 percent bracket. That is the basic tax bracket that affects everybody. We widen that so joint filers, married couples like Shad and Michelle with two incomes can earn twice as much as a single filer and be in the same tax bracket, the same 15 percent tax bracket.

What I think is most exciting about this bill, not only do we help middle-

class families who are homeowners and give money to church and charity who itemize those taxes as well as those who do not is that it is effective this year.

When we pass this legislation and put it on the President's desk today, the President will have an opportunity if he signs it into law to help married couples, 25 million married working couples this year. Because I would point out that doubling the standard deduction, which helps those who do not itemize, and widening the 15 percent tax bracket, which helps those who do itemize, such as homeowners and those that give money to church and charity, that they will receive marriage tax relief this year, because this legislation is effective January 1 of 2000.

Think about that when my friends on the other side of the aisle and Bill Clinton and AL GORE raised taxes in 1993. They made their tax increase retroactive, which meant they went back in the tax year and took one's money. Well, this year we have an opportunity to give marriage tax relief this year, which means we go back to January 1 of this year.

If one is married, one of 25 million married working couples who suffer the marriage tax penalty, one is going to see marriage tax relief this year in tax year 2000. That is a great opportunity. If one believes in fairness in the Tax Code as we do, it is time to make the Tax Code more fair and more simple. We want to eliminate the marriage tax penalty.

Now, my friends on the other side of the aisle have been making lots of excuses. They really do not want to eliminate the marriage tax penalty, because they would much rather spend Shad and Michelle's money. They believe it is better spent here in Washington than Shad and Michelle Hallihan can spend it back in Joliet, Illinois.

Think about it. The average marriage tax penalty for good, hard-working middle-class married couples like Shad and Michelle Hallihan, $1,400. $1,400 is 1 year's tuition at Joliet Community College, our local community college. It is 3 months of day care for little Ben at a local child care center in Joliet, Illinois. It is a washer and dryer for their home. It is 3,000 diapers for little Ben.

The marriage tax penalty of $1,400 is really money for real people. Let us do the right thing. Let us pass this rule. Let us pass this legislation. Let us wipe out the marriage tax penalty for 25 million married working couples.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like a wallet-sized picture of Shad and Michelle and Ben, because I am going to miss them on my August vacation.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we will miss Shad and Michelle. But, Mr. Speaker, this is a customary rule for the consideration of a conference report, and I hope my colleagues will support it.

The conference report on the Marriage Tax Penalty Elimination Act has been crafted in the true spirit of compromise, not just between the House and Senate negotiators, but also in an effort to accommodate the President's views.

We have heard the White House's message. They want a smaller tax cut. So we have pared back this legislation. What Republicans hope is that the White House now hears our message and that of the American people who are clamoring for a fair, simpler Tax Code.

The inequities and illogical provisions in our Tax Code are too numerous to count. But today we have a chance to provide some fairness by eliminating one of its most egregious provisions. We can do it in a fiscally responsible manner. There is no excuse why at this time of peace, prosperity, and budget surpluses that we cannot give a little bit back to the American people who are doing the work to keep this economy going and feeding the Government's coffers with their own hard-earned cash.

We in Washington love to take credit for the booming economy and the budget surplus, but the kudos should go to the American people who are driving the success. It is time to temper the Government's greed, and what better place to start than by supporting America's families. Let us end the marriage tax.

I urge a yes vote on the resolution and the conference report.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Speaker, I just want to thank the distinguished gentlewoman for yielding me this time, because this is a very important subject; and I want to give a perspective that comes from my district in beautiful upstate New York.

Shortly, on August 4, a young man that I am very familiar with, Jake Smith, who just graduated from Syracuse University's School of Architecture, fulfilled his dream and got a degree and will be getting married. He is marrying a young lady, Kristin Elmer, who is a teacher. The two of them have fallen in love, are getting married. One of the things they did not want to factor in was the possibility that their tax obligation would increase simply because they are getting married.

This is designed to correct and eliminate that inequity. That story is replicated thousands of times over, not just in my home county of Oneida, but in my 23rd Congressional District of New York where there are 55,000 people who are in similar situations.

Then one multiplies that by 435 and go across the country, and one can see this really has a significant impact. We are talking about providing meaningful tax relief to 25 million Americans. More than that, it expands those who are eligible for the lowest rate of taxation, the 15 percent bracket. I think that is very important.

□ 1045

So I am, for all the right reasons, very enthusiastic in my support of this bill. It does the right thing for the right reasons. In America we should be encouraging those who decide to take the vows and not providing disincentives for getting married.

So as I extend greetings to young Mr. Smith and young Miss Elmer upon their impending wedding, I will be able to do so and to tell them in very meaningful terms that we are cognizant of their needs and we are trying to address them.

With that, Mr. Speaker, I thank once again the gentlewoman from Ohio (Ms. PRYCE) for yielding me this time, and I thank my distinguished colleague, the gentleman from Massachusetts (Mr. MOAKLEY), a Boston Red Sox fan, for his indulgence to this New York Yankee fan. This is very special.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BARR of Georgia). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. 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 279, nays 140, not voting 15, as follows:

[Roll No. 417]

YEAS—279

Abercrombie	Berkley	Boucher
Aderholt	Berman	Brady (TX)
Archer	Biggert	Brown (FL)
Armey	Bilbray	Bryant
Bachus	Bilirakis	Burr
Baker	Bishop	Buyer
Ballenger	Blagojevich	Callahan
Barcia	Bliley	Calvert
Barr	Blunt	Camp
Barrett (NE)	Boehlert	Canady
Bartlett	Boehner	Cannon
Bass	Bonilla	Capps
Bateman	Bono	Carson
Bereuter	Boswell	Castle

Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kildee
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Regula
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stabenow
Stearns
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NAYS—140

Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berry
Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (OH)
Capuano
Cardin
Clay
Conyers
Crowley
Davis (FL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoyer
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kind (WI)
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Markey
McCarthy (MO)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Stark
Stenholm
Strickland
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—15

Baca
Barton
Burton
Campbell
Cooksey
Coyne
Davis (IL)
DeGette
Kilpatrick
Matsui
Radanovich
Roemer
Smith (WA)
Vento
Weldon (PA)

□ 1110

Messrs. DEUTSCH, CROWLEY, ETHERIDGE, LARSON and MORAN of Virginia changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BURTON of Indiana. Mr. Speaker, on rollcall No. 417, had I been present, I would have voted "yea."

Mr. ARCHER. Mr. Speaker, pursuant to House Resolution 559, I call up the conference report on the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BARR of Georgia). Pursuant to House Resolution 559, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of July 19, 2000 at page H6582.)

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

PARLIAMENTARY INQUIRY

Mr. RANGEL. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will State his inquiry.

Mr. RANGEL. My parliamentary inquiry, Mr. Speaker, is, when you have a conference report reported to the House, is it necessary to have a conference?

The SPEAKER pro tempore. The Chair is aware that the conference report was signed by a majority of the managers. That makes it appropriate to bring the conference report forward.

Mr. RANGEL. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. RANGEL. Mr. Speaker, if a Member of the House of Representatives was appointed by the Speaker as a conferee, is it necessary that that conferee be invited to the conference?

The SPEAKER pro tempore. All conferees are certainly invited to participate in the deliberations of the conference. All points of order have been waived, and it is now appropriate at this time to proceed with the conference.

Mr. RANGEL. Further parliamentary inquiry, Mr. Speaker.

When a Member of the House of Representatives is appointed by the Speaker to a conference, is it necessary that that conferee be notified where and when the conference is being held?

The SPEAKER pro tempore. All persons appointed to the conference committee are entitled to attend. It is not within the power of the Chair to order anybody to attend or not attend or be invited to a particular meeting or not to be invited to a particular meeting.

Mr. RANGEL. Mr. Speaker, I do not think I framed my question correctly. I will try again.

The SPEAKER pro tempore. Does the gentleman have further parliamentary inquiry?

Mr. RANGEL. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman shall state it.

Mr. RANGEL. Mr. Speaker, when the Speaker of the House of Representatives appoints a Member of the House of Representatives to attend a conference between the Members of the House and the Senate, is it necessary or should it be that that Member that is appointed be notified as to the time and place of the conference in which the Speaker appointed him?

□ 1115

The SPEAKER pro tempore (Mr. BARR of Georgia). That Member would be entitled to be notified.

Mr. RANGEL. Now, further parliamentary inquiry.

If a bill is being reported out of a conference and a Member appointed to that conference had not received any notice at all of the conference, and, therefore, had no opportunity to discuss the differences between the House and the Senate bill and certainly no opportunity to sign the conference report and did not even know there was a conference being held, can you have a

report being made to the House floor under those circumstances?

The SPEAKER pro tempore. At this point the Chair cannot look beyond the signatures themselves which were on the conference report. A majority of the signatures of the conferees were on the report. The Chair cannot look beyond that. Furthermore, all points of order have been waived against consideration.

Mr. RANGEL. Mr. Speaker, I have no further inquiries.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. ARCHER).

GENERAL LEAVE

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the conference report on H.R. 4810.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Today, we take the final step toward ending the marriage penalty for 25 million married couples. That is 50 million Americans. Once again, this can-do Congress is sending common sense legislation to the President so we can help America's working families make ends meet. And once again, this Congress is bringing fairness to the Tax Code.

I am proud to say that this marriage penalty relief bill is very close to the version the House passed with strong bipartisan support twice this year. In fact, it is better because we have accelerated the tax relief to married couples so that they can begin to realize a benefit this year, the year 2000, rather than having to wait under the original House bill until the year 2003.

The doubling of the standard deduction, the first step in doubling the 15 percent income tax bracket, and the expansion of the earned income credit limits will all be effective retroactive to January 1 of this year. That means that when President Clinton signs this bill, millions of couples will be helped this year when they file their estimated taxes and next year during tax time when they report their tax return for this year. I honestly hope President Clinton will sign this bill because it meets what he has signaled are his primary concerns.

First, it is fiscally responsible. The bill's tax relief of $89 billion is less than one-half of 1 percent of the $2.2 trillion non-Social Security surplus. Less than one-half of 1 percent. Is that too much to create fairness for families? And it is 64 percent, almost two-thirds, less than the amount of marriage penalty relief he said he could support.

Second, it gives the most help to those middle- and lower-income Americans who are hit hardest by the marriage tax penalty. By doubling the 15 percent bracket and the EIC income thresholds, we erase the marriage tax penalty for millions of lower- and middle-income workers. This is especially important to working women whose incomes are often taxed at extremely high marginal rates, some as high as 50 percent, by this penalty.

Finally, this bill is part of an overall budget framework that protects Social Security and Medicare, pays down the debt by 2013 or sooner, and maintains fiscal discipline and our balanced budget.

Because of these actions, the President should see he now has every reason to sign this bill. If only for a brief moment, I hope he can and will put politics aside and place the needs of 25 million married couples above the needs of politicians and political campaigns. This is a kitchen table issue for families trying to make ends meet. The American people overwhelmingly support this bill, and we can do this right now. There no longer can be any delay in the other body. This is a conference report. It is an up or down vote. I hope every Member will vote ''aye'' overwhelmingly.

In his January State of the Union, President Clinton stood in this Chamber and asked Congress to work with him to fix the marriage tax penalty. There were no preconditions. There was no quid pro quo, no wink, no nod, no demand for a trade; and I believe the American people do not want to see a Congress operate where if you scratch my back, I will scratch yours whether it is right or wrong. There should be no linkage or trade on an issue this important to the families in this country. It stands alone. In fact, there was only boisterous applause and cheers from both sides of the aisle when the President spoke in this Chamber and said he wanted to fix the marriage penalty. So today we fulfill our responsibility and we finish the job, and we ask that he fulfill his. Indeed, 25 million married couples should not be punished any longer just because they got married.

I urge strong support for this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Speaker, I rise in opposition to this conference report. I am for doing something about the marriage penalty, and I very much want us in this Congress to get rid of the marriage penalty. The problem with this conference report is that it does a lot of other things that do not attack the marriage penalty and in its overall it spends too much revenue that could be needed and is needed for other priorities like a Medicare prescription drug program or shoring up Medicare and Social Security.

I want to say first that this conference bill is larger than either the House version of this bill or the Senate version and that, worse than that, it is as unfair as these earlier measures were. And we believe, because we cannot get the official estimates, that it is as much as $280 billion over 10 years. This bill is poorly targeted. It is tilted in favor of wealthier couples, and it neglects those Americans who need marriage tax penalty relief the most.

Under this bill, about two-thirds of the tax cuts go to couples in the top 30 percent of the income scale while the vast majority of couples, about 70 percent, would receive only one-third of the total tax cuts. This bill gives half of the tax cut to couples who do not even suffer from a marriage penalty. Let me say it again. Half the benefit of this tax cut goes to couples who do not even suffer from a marriage penalty. Now, that is a serious flaw. It is mislabeling. It is misbranding what we are doing.

I think this bill is symptomatic, though, of a larger flaw in all of the tax cuts that are being brought through the Congress. I have here a chart, a chart that shows clearly the contrast between the Republican distribution of tax cuts and the alternative proposals that have been offered by Democrats. The contrast between the two plans is stark. If all of the Republican cuts were to become law, Americans in the middle-income range, those making an average of $31,000 a year, would get an average tax cut of $131, because of all the tax cuts that you want to pass. For the top 1 percent, they would get a tax cut of about $23,000. So somebody making $31,000, they get $131 in total tax cuts. Somebody at the top, the top 1 percent, they would get $23,000. Now, if you take our tax cuts and put them together, that person making $31,000 would get $371 and the person in the top 1 percent would get $133. We think we ought to have these tax cuts going to the people who really need them.

Now, I have said on all these debates, we still have a chance in this Congress to reach a compromise, a consensus, on not only the tax cuts that we can do but on the other issues that exist within this budget. What are we going to do about a Medicare prescription medicine program? What are we going to do about shoring up Medicare and Social Security so that they have longer life out into the future? What are we going to do about education, trying to make sure that every child in this country gets a strong education and training so they can be productive, law-abiding citizens?

The President sent a budget when we did the reestimates. He put about $50 billion aside to be decided by the next

Congress and the Congress after that. He put aside a substantial amount for targeted tax cuts, $263 billion. If you agree to that budget, and I am not saying you do, but if we come to an agreement on a budget, the question becomes, where does this piece, the marriage penalty piece, fit into that overall budget? We are proceeding with the pieces of the budget rather than coming to a consensus on the overall budget. And I say to you at the end of the day, I believe all of these tax cut measures are going to be vetoed, because we do not have that consensus.

And then at the end of the day, the taxpayer, the citizen out in the field, in the country, is going to say, what has this Congress done for me? Where is my marriage penalty relief? Where is my estate tax relief? Where is my education incentive? Where is my long-term care incentive? Where is my child care incentive? These are the issues that people will ask. It is not enough for us to do a weekly tax bill. It is not enough for us to do two tax bills a week. What matters is not what we pass here. It is what the President will sign that can actually be experienced in the lives of America's families.

I plead with my friends in the Republican Party, I respect your views of what you want to do in this budget. I do not know that all of my views are right. But let us sit down in the name of common sense, let us figure out a budget, let us get some of these things done this year. If you are having a marriage tax penalty problem, you want a solution this year. A veto does you no good. So I ask Members to vote down this conference report, let us sit down at a table with everybody at the table, let us work out a budget, let us work out tax cuts that are fair and equitable and make sense in terms of not only the budget but make sense in terms of Medicare, Social Security, a Medicare prescription medicine program, and yes, ending the marriage penalty for America's taxpayers.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume. As I listen to the presentation by those from the other side of the aisle, it is always the same siren song. There is always a higher priority than helping families, giving families tax relief, so that they will have more in their pockets to take care of their immediate needs. And there are always priorities that are ahead of creating fairness in the Tax Code. They have not met a tax relief bill to let working Americans keep more in their pockets that they liked. They always have some reason to be against it over and over and over again.

□ 1130

They shout out the President will veto this. We heard that in our last debate. We heard it over and over again from their side. The President will veto this bill; therefore, we cannot embrace it. That was on the pension, retirement security bill. There were 25 votes against that bill.

Are we to believe it is credible when they say the President is going to veto these bills? I do not think so. That should not be an argument. We should do the right thing, and that is what we are doing today.

Mr. Speaker, in the distribution tables, those charts were based on the Treasury's distribution tables as to who gets the benefit and who does not. They have been totally discredited, the whole basis on which they make their determinations has been discredited over and over again.

The nonpartisan Joint Tax Committee, that serves both Houses of this Congress and both Democrats and Republicans, does not support that distribution table. The American people are smart enough to know that when we double the standard deduction, we help those people at the lower-income end. When we double the 15 percent bracket, we help the lower-income people, not doubling 28 percent, 31 percent, 36 percent, 39.6 percent brackets. Their arguments are so shallow that surely the American people can see through them.

Finally, they say but wait a minute, they give part of their tax relief to those who get a marriage bonus. Look at their own proposal, half of their tax relief goes to people who are enjoying the marriage bonus. They do not talk about that. This is a good bill. It provides for the needs of American families and lets them keep more of what they work for and creates fairness in the code.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it just seems to me if we really want to give relief that we have to recognize that there is no Republican or Democratic party way to do this. The only way that we can give tax relief in an effective way is to be working together and not to test the President as to what he would veto, but to work with him.

The partisanship just drips in the rhetoric, and we hear a lot of it today. We find that the U.S. Treasury figures are not credible, and they represent Democrats, Republicans, our citizens. They are being challenged.

The statistical data that supports that this is targeted for wealthy people, instead of coming from a nonpartisan government agency, it comes from the Joint Taxation Committee, where the Republicans appoints every employee that works for the Joint Tax Committee. But even worse than that, it just seems to me that when we start adding up all of the tax cuts that the Republican leadership has advocated on a weekly basis on the way to the Philadelphia convention, if we include the Federal debt, it comes close to a trillion dollars.

In a sense, the Republicans are depending on a veto in order to come up with their next tax cut, because the figures just do not add up. They do not mean what they are saying. They are depending on a veto for some of these things, and to constantly talk about a surplus at a time when the Nation has a national debt of close to $6 trillion, and we include a mandate that that be reduced and that we do have affordable prescription drugs and to put together a package that the President would sign, I do not see how we can say that is scratching somebody's back.

That is protecting our old folks' back to be able to say that if we have access to health care, we should be at least able to buy the prescriptions that the doctor has prescribed for us.

I think it is courageous for the President to say that if we are so concerned about rewarding our constituents that are wealthy, we do it, but do not forget those people that need some political power in order to get an affordable prescription drug out of this House.

I conclude by saying, too, we have to find some way to start being able to work together in a civil way. I have been in this House close to 30 years; and I have been privileged, absolutely privileged, to be appointed to many conferences to try to work out differences between the House and the Senate. I think it goes beyond bad manners.

I think it goes to a question of testing the rules of this House when those people in the majority can have the arrogance to have a conference and not to have the minority represented. It is not a threat to me. I am not a lonely guy, but it is a threat to what this institution stands for, no matter what party has the majority.

It is a question of equity and fair play. It is a question of the minority having an opportunity to express its views. It is a question as to whether or not a conference between the House and the Senate just means a conference between Republican leadership and excluding those of us who are not.

I hope that no matter what happens in the next election, that my party, if it is in the majority, will never stoop as low as to exclude those people, just because they differ from the majority party, from attending a conference so that the people, yes, indeed the people, which the House is supposed to represent, can work its will and bring a conference here.

Mr. Speaker, I reserve the balance of the time.

The SPEAKER pro tempore (Mr. BARR of Georgia). Does the gentleman from Georgia (Mr. COLLINS) claim the time of the gentleman from Texas (Mr. ARCHER)?

Mr. COLLINS. Mr. Speaker, yes, I do.

The SPEAKER pro tempore. Without objection, the gentleman from Georgia (Mr. COLLINS) will control the time of the gentleman from Texas (Mr. ARCHER).

There was no objection.

Mr. COLLINS. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), one of the members of the Committee on Ways and Means

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Georgia (Mr. COLLINS) for yielding me the time, and I would be remiss at the outset, Mr. Speaker, if I did not acknowledge someone who will follow me in this well in just a few minutes, the gentleman from Illinois (Mr. WELLER), my good friend and seat mate who worked so hard on this legislation, along with the gentleman from Indiana on achieving marriage penalty relief for hard-working Americans.

It is sad, but I guess not totally unexpected, that our friends on the left again would be involved in political speeches that really, sadly have more to do with ego than results. It is also curious to see this almost Orwellian definition of bipartisanship.

In Arizona, and indeed, Mr. Speaker, the rest of America, bipartisanship means understanding that there are sometimes are philosophical differences but focusing on results, and the most profound results, Mr. Speaker, the most profound results, my colleagues, is making sure that American couples get to keep in their pockets up to 1,200 a year.

I would suggest to all my friends, Mr. Speaker, that that is real money, and with a compromised solution, stepping back bipartisan in nature, we are inviting not only our colleagues on the left, but, indeed, Mr. Speaker, the President of the United States to join us in truly a civil, bipartisan approach to help that married couple in Payson, Arizona making $36,000 a year penalized because they are married.

We are saying to that couple, whether the couple lives in Payson, Arizona or Peoria, Illinois or in Harlem in New York City that they can keep that money in their pocket; that they will not be penalized for being married. That is what we are focusing on today.

Friends, bipartisanship, Mr. Speaker, bipartisanship is not the majority party twisting and bending its good name and ideas to the will of the minority. It is working together. So in that sense, Mr. Speaker, I ask our colleagues on the left to join with us in providing true marriage penalty relief.

Mr. RANGEL. Mr. Speaker I yield 4 minutes to the distinguished gentleman from Michigan (Mr. LEVIN), a Member of the Committee on Ways and Means.

Mr. LEVIN. Mr. Speaker, I support a reduction in the marriage tax, and we Democrats voted for that. But under this bill of the Republicans, half of the cuts, as the minority leader said, would go to those who pay no marriage penalty at all.

I want to say a bit about the distribution. I am sorry that the gentleman from Texas (Mr. ARCHER) is not here. Look, take the chart my colleague distributed from the so-called bipartisan Joint Tax Committee. Here is what it says. What it says is that those earning over $200,000, in terms of the billions of tax cuts, would receive as much as all taxpayers who have income $50,000 and less. That is fair?

Those who are earning $75,000 to $200,000 would have a reduction in their effective tax rate between seven or eight-tenths of 1 percent while everybody under $50,000 would have no reduction in their effective tax rate or at the most two-tenths of 1 percent. Take your own figures. That is fair?

Let me emphasize a critical point. When this bill is in full effect, and forget about the sunset which will never go away, if this bill is passed, it would cost $280 billion over 10 years.

The total tax cuts embraced by the Republican majority in the House and Senate come to $874 billion over 10 years. And my Republican colleagues could not sell the $792 billion, the public said no, they want fiscal responsibility. The Republican majority leaves no room for prescription drugs. They leave no room for long-term care.

In the Democratic alternative, we have embraced a targeted marriage penalty relief proposal and targeted estate tax relief. It is fiscally responsible. Theirs is irresponsible. It is not conservative. It is reckless. It is not compassionate. It is callous.

Their fiscal irresponsibility is bad policy. I think once again it is going to prove to be bad politics. The bill penalizes, in the name of removing this penalty on marriage, it penalizes fiscal responsibility. There is no plan. They come here willy nilly. All they have is a political plot for Philadelphia. We can do better, if we will sit down, not in a so-called conference without any Democrats and without the administration, and seriously talk about a fiscally responsible tax-cut package. We can have it.

Mr. Speaker, as long as the Republican majority goes this way, we are going to get vetoes, and we are going to get deadlock. They think they will have a political issue. It did not work before, and it will not work now.

Mr. COLLINS. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. WELLER), who has been responsible for bringing this very important piece of legislation to the Congress.

Mr. WELLER. Mr. Speaker, over the last several years, we have asked a pretty fundamental question and that is, is it right, is it fair under our Tax Code a married working couple, where both the husband and wife are both in the workforce, a married working couple with a two-income household pay higher taxes under our Tax Code than an identical couple with identical income who choose to live together outside of marriage? Is it right? Is it fair? Is it fair that under our Tax Code that 25 million married working couples pay on average 1,400 more in higher taxes just because they are married? Of course not.

The goal of this legislation, I am proud to say, is to wipe out the marriage tax penalty almost entirely for 25 million married working couples. I think it is pretty fiscally responsible to take one-half of 1 percent of a $2.2 trillion surplus to eliminate the marriage tax penalty. To listen to my friends on the other side of the aisle, you think we would be breaking their piggy bank to take one-half of 1 percent of a $2.2 trillion surplus to help 25 million married working couples who pay higher taxes jut because they are married.

□ 1145

I, for one, and I am pleased to say that 222 Republicans and we were joined by 48 Democrats who broke with their leadership, who believe it is time to eliminate the marriage tax penalty, that this House has voted to send to the Senate today, we are voting on the agreement between the House and the Senate. We hope the President will join with us to eliminate the marriage tax penalty.

Let me introduce a couple of constituents from the south suburbs of Chicago which I represent, Shad and Michelle Hallihan. They are public school teachers. Shad is at Joliet High School and Michelle is at Manhattan Junior High School. Their combined incomes are about $62,000. They pay just around $1,000 in marriage tax penalty just because they are married under our Tax Code.

Now this photo was taken when they were married. It was about the time we introduced our legislation about 2 years ago. Since then Shad and Michelle have had a little boy, little Ben; and little Ben, of course, is this little guy. We hope some day he does not have to pay the marriage tax penalty. Our hope is for his parents we can eliminate it this year.

I would point out under this legislation we provide middle-class tax relief for middle-class couples like Shad and Michelle Hallihan this year because our legislation is effective January 1 of 2000. So if the President would join with us to eliminate the marriage tax penalty for 25 million married working couples, Shad and Michelle Hallihan would see their marriage tax penalty eliminated this year.

Now under our legislation, we do several things. We double the standard deduction for those who do not itemize to $8,800, twice that for single filers. We

also widen the 15 percent bracket to help those who do itemize. Shad and Michelle Hallihan are also homeowners and because they are homeowners they itemize their taxes; and the only way to help people, middle-class families who own a home or give to church or charity or their synagogue, is to widen the 15 percent bracket so that they too can receive marriage tax relief.

Under our proposal, we eliminate the marriage tax penalty suffered by Shad and Michelle Hallihan. Think about it. In Joliet, Illinois, the marriage tax penalty of $1,400, the average marriage tax penalty, is one year's tuition at our local community college. It is 3 months of day care for little Ben at a local child care center in Joliet. It is 3,000 diapers for little Ben. But it is also, if we also think about it, if Shad and Michelle had that money that they currently pay in the marriage tax penalty, were able to set it aside in an education savings account for little Ben, by the time Ben is 18 they would have been able to set aside almost $20,000 that they currently send to Uncle Sam, they could put in little Ben's college fund. That is what marriage tax relief means for the Hallihans.

Now, Mr. Speaker, we have heard a lot of excuses from our good friends on the other side: let us do just a little bit so we can say we have done something; we have other priorities we want to spend it on, but think about this. One half of 1 percent of a $2.2 trillion surplus is being given back to middle-class working married couples like Shad and Michelle Hallihan so they can take that marriage tax penalty that currently goes to Washington, gets spent on other things, and use it to take care of their families' needs, little Ben in particular.

So, Mr. Speaker, let us do the fiscally responsible thing. Let us help middle-class working married couples who suffer the marriage tax penalty. There are 25 million of them. That is almost 50 million taxpayers who pay higher taxes just because they made the choice of getting married.

My hope is the President will join with us and sign this legislation. The President joined with us when he changed his mind on IRS reform. He was opposed to it, decided to support it. He was opposed to balancing the budget. Now he takes credit for it. He was opposed to welfare reform. Now he takes credit for it. My hope is the President will join with us and sign the elimination of the marriage tax penalty, the legislation we are going to hopefully pass today. We will certainly share the credit with him because it is the right thing to do.

So again, Mr. Speaker, I urge a ''yes'' vote. I invite every Democrat to join with Republicans. Let us vote to eliminate the marriage tax penalty. I ask for an ''aye'' vote.

Mr. RANGEL. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland (Mr. CARDIN), a member of the Committee on Ways and Means.

Mr. CARDIN. Mr. Speaker, let me first thank the gentleman from New York (Mr. RANGEL) for yielding me this time.

Mr. Speaker, let me point out to my friends on both sides of the aisle, I think some good points have been made here. I think there are some facts that we should at least get on the table as to where we are.

There is a marriage penalty. Married couples pay some more taxes than they would if they were not married. That is wrong and we should correct it.

Fact number two, the conference report that is before us will spend a lot of money that will not go to people who are presently paying a penalty for being married. Let us acknowledge that. The Joint Committee on Taxation has scored the conference report before us. It spends $292 billion over the next 10 years. Half of that relief, $145 billion, goes to taxpayers who presently pay less taxes because they are married rather than more taxes.

Fact number three, when $292 billion is added to the other tax bills that have been passed by this body, we are now up to $874 billion in tax bills that we have passed.

Now let us put that to the economic conditions in a budget that we are trying to deal with. We have projected surpluses. We have not realized those surpluses yet. We had demographic changes in this country that are going to put real pressure on our Social Security and Medicare system. We all understand that. So passing an $874 billion tax bill is reckless. It is wrong. It jeopardizes the economic progress that everybody is proud of in this body. Democrats and Republicans are proud of the progress that we have made in strengthening our economy, but our top priority should be to pay down the national debt, to make sure that we can meet our obligations in Social Security and in Medicare. That should be our top priority, but instead we are passing tax bill after tax bill that in total is irresponsible.

The sad tragedy of the bill before us is that we acknowledge there is a problem that we should deal with, but we could deal with it for one half the cost of what we are spending in this bill. We are spending $150 billion more than we need to spend. That $150 billion, if we could use that we could have a prescription drug plan in Medicare that really makes some sense, that will really help our seniors deal with the high cost of medicines. $150 billion will help us reduce the deficit faster, which pays off big dividends to everyone.

The national debt is a tax on all of us, every one of our constituents, whether they are married or not married, whether they have a marriage penalty, do not have a marriage penalty. Yes, those that pay a penalty want relief, but all taxpayers want to see our national debt retired. All of our citizens want to make sure that we live up to our obligations in Social Security and Medicare.

I have heard both Democrats and Republicans talk about strengthening Medicare with a prescription drug benefit. So let us have a budget. Let us follow regular order. Let us have a budget that makes sense. Yes, it should provide tax relief, but it should make sure that we are going to pay down the debt. It should make sure that we can comply with the other obligations, and it should target the relief that deals with the people that really have a marriage penalty. This bill does not do it.

We can do better. We can work in a true bipartisan way so that we can get relief to those who need it this year. There is still time that remains. I urge my colleagues to reject this conference report and work in a bipartisan way to produce a bill that will help those who pay the penalty.

Mr. COLLINS. Mr. Speaker, it is now my pleasure to yield 3 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means, a very responsible Member.

Mr. PORTMAN. Mr. Speaker, I thank my friend, the gentleman from Georgia (Mr. COLLINS), for yielding me this time; and I appreciate the opportunity to speak on the legislation today.

Mr. Speaker, our Tax Code has gotten so complex and so Byzantine, so difficult to figure out, that it rewards and penalizes behavior in very unusual ways. For example, at a time when I think this Congress, I think everyone in this Congress, is concerned about promoting family values, strengthening families, our Tax Code actually penalizes people just because they choose to get married. That is what we are trying to address here today. That is what the debate is all about.

The penalty is really a quirk in the tax law. It affects 25 million couples nationally. In my own district I represent in Ohio it affects 62,000 couples. They pay more just because they are married. Nationally, the average is $1,400. Now that may not seem like much by Washington standards; but that $1,400 could go to a 401(k) contribution, an IRA contribution, help for retirement security, help for education. Regardless of what someone might do with it, the principle here is that the Federal Government should not be keeping that $1,400 just because people choose to get married.

At a time when our country is suffering high divorce rates, Congress should be doing just the opposite. We should be encouraging marriage, not slapping a penalty on it; and, of course, our tax laws should never be written in a way to discourage people from playing by the rules. That is what this debate is about today.

Now, we have heard some discussion about how one might address the marriage penalty. I like the approach we have before us today. I like it for two reasons. One, it is simple. It is very simple because what it does is double the standard deduction. It doubles the 15 percent income tax bracket, and it expands the earned income tax credit. All of these are relatively simple as compared to a more complicated approach one could take to avoid any possibility that somebody who was not now penalized was getting some tax relief.

What would one have to do? They would probably have to have the taxpayer make three calculations in terms of their income tax liability.

Now, again, my friends on the other side who have expressed concern that some stay-at-home moms may get some tax relief from this, and we can talk about whether or not that is appropriate or not, but I would just ask them to look at how complicated it would be. We already talked about the complexity of our Tax Code. If there was not some spill-over to help some of those folks who may be stay-at-home moms who do not get a tax penalty now.

I would also make the obvious point that the Democrat alternative also provides tax relief to some people who do not have a marriage penalty. I would love to hear a response to that.

The other reason I like this legislation is because by doubling the 15 percent bracket and expanding EITC, it is going to help, despite what we have heard today and the charts we have seen about the overall so-called Republican tax proposals, and I am not sure what proposals are included or not and I am not sure what analysis it is, but because it doubles the bracket and because it expands the EITC, it will provide relief to millions of low-income and middle-income Americans.

So my hope today is that all of us who are opposed to the marriage penalty will come together, will vote for this legislation, send a message down to the White House, get the President to sign it, and provide this year relief to those millions of couples in this country who currently bear the burden of an unfair penalty.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means.

Mr. KLECZKA. Mr. Speaker, what we are hearing from my Republican colleagues today is true, because what they are talking about is resolving the marriage penalty, and so half the bill does that. What my Republican colleagues are not telling us about is the other half of the bill. Fifty percent of the cost of this bill goes to the people that were referred to before, Shad and his family from Illinois; and that is the part that all of us agree with. If the bill before us did that and solely did that, 435 Members of Congress would vote yes today; and the President would sign the bill this evening.

What they fail to tell us about is the other half of the bill, which has nothing to do with marriage penalty. Mr. Speaker, understand that 50 percent of the benefits of this bill go to couples who do not pay a marriage penalty at all. So let's not call it a marriage penalty relief bill if they are getting it and they are not paying it. Call it a tax relief bill for the upper income, because if we look at the cost of the bill, almost 80 percent goes to the highest income wage earners in this country.

□ 1200

I have no problem with them doing it that way, but then call it that and sell it that way. But do we know why they do not? Because that bill would not garner support of even Members on their side of the aisle, because at that point, what we would do, Mr. Speaker, is put that proposal here, weigh it against resolving and reducing the Federal debt; if we looked at the two, we would say, no, the debt is more important, get it off the backs of our children and our grandchildren. Then we would put in the next column a drug benefit for those seniors in our country who cannot afford it, so we would weigh a drug benefit or a tax break for the wealthiest, and it would fail on that score. So that is why they have tucked it into this bill and called it marriage penalty relief.

My friends, this is only half true. The other half has nothing to do with marriage penalty.

Why did they not invite the gentleman from New York (Mr. RANGEL) to the conference? Because he might make that point and they would have to think about it. Why did they not involve the President and this administration in those negotiations? Because they might have eked out a deal that the President would buy and a bill he would sign. But that would totally destroy the reason we are here today.

Mr. Speaker, we are here today, the number one reason: pass this bill to the President, he will veto it within the next 10 days, and they are going to use this as a prop at their Republican convention in Philadelphia. If the bill would be signed through negotiation and inclusion of the minority party, that prop would be gone. There would be a gaping hole in George Bush's acceptance speech.

So know what we are doing here? Yes, they are half right, but like Paul Harvey says, let us tell the rest of the story.

Mr. COLLINS. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. MCCRERY), a responsible member of the Committee on Ways and Means.

Mr. MCCRERY. Mr. Speaker, I thank the gentleman for yielding me this time.

In response to the previous speaker, let me just say that those on this side of the aisle are aware that a great deal of the benefits of this tax bill, this tax cut go to married couples that do not incur the marriage penalty. We think that is swell. We think that married couples with kids that are trying to make it need a tax cut. We think married couples without kids that are struggling to get a new car or get enough toward a down payment on a house need a tax cut.

Look, we have passed several tax cuts since the Republicans have been in the majority in this House, since January of 1995. The President has signed those, even with all of those tax cuts that we have passed and the President has signed, the American people are still paying more in taxes to the Federal Government as a percent of our national income than they ever have. Our total tax burden in this country is as high as it has ever been. We would like to reduce that, my colleagues on the other side are right, not only for couples that are incurring a marriage penalty, which we all admit is wrong in the Tax Code, but yes, even for those married couples that are not incurring the marriage penalty. I do not make any apology for that.

Let us talk about this marriage penalty. Let me just explain it real quickly so everybody knows what it is in the Tax Code. A marriage tax penalty occurs when a married couple pays more taxes by filing jointly than they would if each spouse could file as a single person. In other words, they pay more in taxes as a married couple than they would if they were not married and just living together. Now, is that the kind of social policy we should encourage through the Tax Code? Surely, we do not think so.

The most common marriage tax penalty happens because the standard deduction for couples is $1,450, less than double the standard deduction for singles. For example, an individual earning $25,500 would be taxed at 15 percent, while a married couple with incomes of $25,500 each are taxed at 28 percent on a portion of their income. That is wrong, and this bill fixes that.

Mr. COLLINS. Mr. Speaker, I yield 2 minutes to the gentleman from northern California (Mr. HERGER), another responsible member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, it is projected that the Federal Government will take in more than $2 trillion in taxpayer overpayments over the next decade, excluding Social Security dollars. Should we not use a small part of this surplus to correct one of the most onerous provisions of the U.S. Tax Code, the totally unfair marriage penalty?

The bill we are considering today will provide real tax relief for 25 million married couples, 47,000 of which are in

my district in northern California. This legislation will save taxpayers almost $90 billion over the next 5 years. It is important to remember that these are dollars that married taxpayers currently pay to the government for no other reason except that they are married.

The Clinton-Gore administration claims that we cannot afford to give back to the taxpayers a small portion of their tax overpayment. Mr. Speaker, if we cannot afford to give the taxpayers back some of their own money when we have record budget surpluses, when will we be able to? When a couple stands at an altar and says, ''I do,'' they are not agreeing to higher taxes.

Mr. Speaker, I urge my colleagues to support this bill, and I hope that the President and the Vice President, AL GORE, would drop their opposition and sign this much-needed measure into law.

Mr. COLLINS. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP), another responsible member of the Committee on Ways and Means.

Mr. CAMP. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

I obviously rise in support of this conference report. I think once again, this Congress is sending common sense legislation to the President that will help America's working families make ends meet.

This Congress is doing its work and bringing fairness to the Tax Code and helping families.

This marriage penalty relief bill is very close to the version that the House passed twice this year with strong bipartisan support. In fact, it is even better than the version we had earlier, because we have accelerated the tax relief to married couples so that they can get tax relief from the marriage penalty burden in the year 2000 this year. The doubling of the standard deduction and the doubling of the 15 percent income tax bracket, the expansion of the earned income tax credit limits, those will all be effective retroactive to January of this year. That means if President Clinton signs this bill, millions of couples will be helped next year during tax time.

Mr. Speaker, I think this bill is fiscally responsible, because it is less than one-half of 1 percent of the $2.2 trillion non-Social Security surplus, less than one-half of 1 percent. Second, it gives the most help to those middle- and lower-income Americans who are hit hardest by the marriage tax penalty, by doubling the 15 percent bracket and the IC income thresholds.

Finally, this bill is part of an overall budget framework. For the first time, this Congress this year passed a budget that would totally eliminate the national debt by the year 2013, and this is part of that budget framework that not only eliminates the debt, but also protects Social Security and Medicare. So this maintains fiscal discipline and balances our budget.

Because of these actions, I am hopeful the President will now see that he has every reason to sign this bill. I hope that we can put politics aside and help the needs of the 25 million couples, married couples that would get relief under this bill. I urge support of this conference report.

Mr. COLLINS. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

This is a great day. This is a great day when we have an opportunity to vote on marriage penalty relief. Finally, 25 million couples in this country that have been penalized simply for the fact that they have been married will see some tax relief. This is a great day in this country, that this Congress is sending a message to Americans that we think you, as couples, know how to spend your money better than we know how to spend it here in Washington, D.C. That is a great day, that is a great thing. I fully anticipate that we will see a very significant bipartisan vote on this bill later this afternoon, as soon as we finish the debate on this measure. I look forward to that, to joining with my colleagues on both sides of the aisle in passing this marriage penalty relief bill today.

Mr. Speaker, there is really more good news, and it has been trumpeted in Washington here quite a bit, and that is the fact that the CBO has announced that the projected surplus, non-Social Security surplus is going crazy. They first anticipated a $15 billion surplus, non-Social Security surplus. This Republican Congress has pledged not to touch the Social Security surplus, so we are talking about everything else, non-Social Security surplus is now going to be not $15 billion but $128 billion in the year 2001 alone.

So we hear a lot of complaints from Members on the other side of the aisle that this tax bill spends too much money. Now, I have to step back just for a second and just remind myself that it is only in Washington that we talk about giving taxpayers their money back as spending money, as if that money really belongs to Washington and not to the American taxpayers. But do not forget, the money is yours. It does not belong to us, it does not belong to Democrats or Republicans, it does not belong to the House or to the Senate. It belongs to you. You worked long and hard to earn that money, and then you send it to Washington, D.C. and now you are sending so much we do not need it all. We want to send it back to you in the form of marriage penalty relief.

Mr. Speaker, I am here today to support the actions of this committee and this Congress, and I urge all of my colleagues to join with me in sending tax relief to 25 million married couples in this country.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we conclude this discussion, we do it in an atmosphere of partisanship, which is shameful. It is such an important issue to the American people, and especially to married people. Had I been invited to the conference, that is after the Speaker appointed me, I would have been able to bring to that conference a message from the President of the United States. Because I was authorized to say that even though the President thought that there was a better way to target the relief for married couples, he recognized that those in the majority had this overwhelming compulsion to reward those people that God has already rewarded with additional wealth. But he had authorized me to tell the conferees, had I been told where the meeting was, that he was willing to go along in the spirit of bipartisanship with the Republican majority marriage penalty bill if only they would consider and attach to that some relief for the older folks that cannot afford to purchase their prescription drugs.

The Chairman said, that is wrong, that we should not participate in ''you-scratch-my-back-and-I-scratch-yours.'' Well, we are politicians, and if my Republican colleagues have such an overwhelming concern for the taxpayers that they are talking about giving back close to $1 trillion, let us be honest with the taxpayers.

The Republican majority is not giving them back anything, not 1 red cent. What they are doing, and they should be doing with us, is revising the tax system to give them some relief. They are not sending Americans a refundable tax check, as every one of the speakers implied, they are just reducing their tax burdens, and we would want to join in that effort.

We cannot have bipartisan bills by closing up the conference and having it from room to room so that the minority cannot participate. We cannot have bipartisan legislation, unless my Republican colleagues reach out and ask the White House, what can be accommodated; unless they talk with the Democratic members on the committee and the leadership, and then reach an agreement. That is the beautiful thing about this great country and what used to be this great House of Representatives, is that no one comes here with all of the answers. Just being in the majority does not mean that they are brighter than the rest of us.

□ 1215

Just being elected does not mean they have all of the answers. It means

that they reach out, they discuss the problems together, and they come up with not what is best for their convention in Philadelphia but what is best for the people of the United States of America.

It is no great genius if they can count that they have 218 votes and that they have some Democrats that will vote with them from time to time to pass bills. They have passed any number of bills knowing that they are not going to become law.

How does that make them a better legislator? How do they go to a convention and say, ''I passed it and they did not support it?'' Where they really have leadership is if they are able to say, ''I had some great ideas. I was able to persuade the House and the President of the United States to buy these ideas, and together, yes, together, we did not just pass bills but we made law.''

We want to do it with them. There is not an issue that they brought up that we do not want to cooperate with them, but they just cannot give us slivers of tax relief and forget that we have a responsibility not only to relieve the tax burden of the taxpayers, but also to make certain that the social security system is there when they are eligible for it.

We have a responsibility not just to give access to health care under Medicare, but to make certain that an older person can afford to get their prescriptions when the doctors say they need it. We have to reduce the tax burden on our people, but we also have a responsibility to pay down the Federal debt. That is $6 trillion. That means that every year we are paying billions of dollars in interest. We ought to relieve the next generation of that burden.

What I am saying is, it is no profile in courage to come here and pass bills, especially when they have been promised a veto. What is courageous is to be able to say, ''I want to sit down with these Democrats.''

There are enough differences between our parties to fight about in November, but tax relief for the married couples, tax relief for estates, tax relief for couples with minimum wage, relief to be able to get affordable drugs, protection of social security and protection of Medicare, they are not Democratic issues, these are American issues.

We cannot tackle these problems and we cannot bring solutions to those problems by going to Democratic caucuses or going off to our conventions saying, ''We fought off those people,'' and the other side cannot go to Philadelphia and talk about all the bills that they have passed unless they can tell the voters that they have given them relief because they have worked it out with Democrats and with the President.

So, Mr. Speaker, here we are once again. I suspect there will be other bills on their way to Philadelphia, where they will be there trying to say, if one is appointed to a conference, would they be kind enough, gentle enough, courteous enough to allow the Democrats to attend the conference? It is a part of the House rules.

Are they so afraid of a different opinion? Are they so afraid to engage? Are they so committed not to do anything to provide decent legislation that the President may sign? Are they so embedded with the concept that they do not want to touch prescription drugs that even when the President sends a national message, they want their bill: ''Take care of American old folks, take care of our sick,'' and to make certain that when we leave here, that we can go to California, we can go to Philadelphia, we can go to our conventions and say that we differ, and that is what makes America great, that is what makes this Congress great?

But do not hold the older folks hostage giving them slivers of proposed tax give-backs, when they know that they are not talking about anything that they intend to become law.

It is not too late for us to work together. We have had enough of the fighting. Why can we not go to Philadelphia and say that we do not need a mandate from the Speaker to meet, we do not need a mandate from the leader to meet, we do not need a mandate from our candidates to meet. We have been elected to enact law, to get it signed into law.

Why do we not start today and say that from now on we will be working together, not as Democrats, not as Republicans, but Members and proud Members of this great House of Representatives, and collectively we will be in the Rose Garden seeing that these bills in a bipartisan way are signed into law?

Mr. COLLINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is pleasing to hear Member after Member, no matter which side of the aisle they are from, standing and saying that we do need to give tax relief to the American taxpayer.

There has been a lot of mention about Philadelphia and what the Republicans will do on their way to Philadelphia, upon arrival in Philadelphia. But I believe both sides of the aisle do have a convention coming up very shortly. I would request that the Democrat side of the aisle join us over here, and many will. They can also go to their convention and talk about how they did give tax relief to the American taxpayer.

Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I thank the gentleman for yielding time to me.

In America we have rewarded dependency, subsidized illegitimacy, and bragged about being family-friendly, but basically, we tax the institution of marriage.

I think this is ridiculous. This bill has been moderated some after it has come out of the Senate. This is a good bill. The American people deserve this bill. I stand very strongly in support of the passage of this bill, and urge the Congress to once again incentivize marriage, to reward marriage, reward family life, reward those that pay the bills to get a tax break.

Mr. Speaker, I would like to close by commending the gentleman in his fight, and also commending the Democrats who will join forces and pass this bill.

Mr. COLLINS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of 144,000 married people in the Third District of Georgia, I am very pleased that we are finally coming to a conclusion on this bill. I am also very pleased that the conference members decided to make the effective date this taxable year so that we can give immediate relief, rather than waiting for the next taxable year, because families needs need to be met. The more that we take from that family budget through taxation, the less they have to meet those needs.

Also, there are many families who would like, as the gentleman from Ohio (Mr. PORTMAN) said, put funds away for future years for family needs.

There has been a lot said about, ''Is this fair?'' Mr. Speaker, is it fair to give the same deductions, the same standard deduction, to every eligible taxpayer in this country? I think so. Is it fair to increase the 15 percent bracket for every eligible taxpayer in this country? I say yes. Is it fair to ensure that those who have the opportunity can take advantage of the tax credits that this Congress has passed and the President has signed earlier, such as the child tax credit or the tuition tax credit? When it comes to the alternative minimum tax that they still will be eligible for, I say yes. Is it fair to expand the area of income for the EITC? Yes.

What makes it fair, Mr. Speaker? Because there are other provisions of the Tax Code to take up the slack when it comes to those who say this is only going to the wealthy. Those are progressive tax rates. Thanks, too, to the 103rd Congress, when the majority then was from the other side of the aisle, there was an additional tax bracket added that takes into account the income from those in higher income brackets. Also, many of those in the higher income level lose their itemized deductions, which increases their tax contributions or tax liabilities. It is responsible that we do this bill.

Another area of responsibility is in the area of the budget. By putting a 5-year sunset on this provision, on this measure, it will then revert back and

hold down the actual reduction in the cash flow of the general funds.

Personal responsibility is at play here. Mr. Speaker, as a Member of Congress, when I am interested in a committee or a conference or any activity of the Congress, I feel it is my personal responsibility to inquire when those committees are meeting. Those who complain about not knowing, maybe they did not fulfill their responsibilities.

I urge the Members of this House to pass this measure. I feel very confident that the President will sign it.

Mr. CRANE. Mr. Speaker, the issue before us today is a simple one. It is simply unconscionable that the federal government of the United States would impose a tax penalty on the holy state of matrimony. Of the many outrages contained in our federal tax system, and there are a great many such outrages, none is greater than that of imposing an extra tax burden on a man and a woman simply because they live together as man and wife.

In my own 8th District outside of Chicago, over 70,000 families face the marriage tax penalty. Over 70,000 families could enact their very own tax relief by getting a divorce. Our tax code should at the least be neutral with respect to marriage and the marriage penalty relief bill before us would move us at least part way in that direction.

And so I strongly support the conference agreement which will eliminate the marriage penalty for millions of American families and reduce it for millions more. Many of my colleagues may not know this, but a little over 20 years ago, I rose before the American people to decry the tax penalty on marriage when I ran for the highest office in the land. Then, in 1981, we addressed the marriage penalty in part through the Economic Recovery and Tax Act by slashing tax rates and by including in the tax law a provision reducing the taxable income of the second earner in a two-earner family.

Over the past 20 years, however, the severity of the marriage penalty has intensified as the Congress raised tax rates and introduced new complexities in the law such as refundable tax credits. And so it is now critical that we pass this bill and give American families some relief from the marriage tax penalty.

I understand President Clinton may oppose this bill, as do some Members of the House, on the grounds that it reduces taxes too far. This is very disappointing because Republicans have tried to meet the President halfway on this issue, to compromise, to pare back our hopes for more significant marriage penalty relief.

To be honest, I thought the original bill was too conservative. Especially when projections of the federal budget surplus grow by a trillion dollars in just a few months, there can be no better way to apply some of these surpluses than by eliminating an unfair tax penalty on one of America's bedrock institutions—marriage. But, in the interest of compromise, I am willing to support this bill as it has come out of conference.

I understand some of my Democratic colleagues oppose this bill on tax distribution grounds. Apparently, they believe it is appropriate for some families to continue to face a marriage tax penalty. I strongly disagree. No American family, irrespective of their level of income, should face a tax penalty for being married. This is a matter of principle, and on this matter I come down on the side of American families. The one shortcoming of this bill is that it still leaves millions of American families paying thousands of dollars a year in marriage tax penalty.

I would also point out to opponents of this bill that the federal income tax is today heavily skewed to taxing upper-income families. If this bill somehow finds favor in the President's eyes and becomes law, the federal income tax will still be heavily skewed to taxing upper-income families. Opposition on distributional grounds compels me to ask my colleagues if there is any level of progressivity in our tax system that they deem to be too steep.

Finally, I would like to address an argument opponents have made against this bill, and against other tax cuts Republicans have advanced in recent weeks. Opponents of the Republican tax cut initiatives like to point out that the sum of the total relief provided through bi-partisan pension reform, bi-partisan marriage penalty relief, cutting the excessive tax burden on Social Security benefits, the bi-partisan repeal of the death tax, and other measures rises to a very large figure. They accuse Republicans of being fiscally irresponsible in proposing so much tax relief. They also like to point out, however, that the President has threatened to veto each and every one of these bills. Their claim of fiscal irresponsibility is, therefore, an empty one. Republicans are looking, and will continue, to look for ways to provide tax relief to the overtaxed American people that can escape President Clinton's veto pen. If the President changes his mind and begins to sign some of these bills, perhaps then we can consider whether the amount of cumulative tax relief is something to be concerned about.

And so I urge my colleagues, and I urge the President, when put to the question of whether you support comprehensive marriage penalty relief—just say, I do!

Mr. BEREUTER. Mr. Speaker, because of the current discussion of the conference report for H.R. 4810, the Marriage Tax Penalty Relief Reconciliation Act of 2000, this Member encourages his colleagues to read the following editorial, which he highly commends, from the July 19, 2000, edition of the Norfolk Daily News. This editorial highlights why the House of Representatives should pass the H.R. 4810 conference report. In particular, this editorial correctly addresses the following weak arguments of those who oppose the H.R. 4810 conference report: the lopsided percentage of relief for one-income couples; the benefits of this tax cut would go to couples who are already well-off; and the projected surplus may not materialize.

MARRIAGE PENALTY NEEDS TO BE AXED: TAX-AND-SPEND PROPONENTS HAVE WEAK ARGUMENTS TO OPPOSE GOP LEGISLATION

(Daily News, July 19, 2000)

The left-of-center, tax-and-spend folks are aghast that the Republican majority in the U.S. Senate has passed legislation to eliminate the so-called marriage penalty. But being largely bereft of solid arguments for their position, they have taken to leaning on shallow arguments.

Some Democrats, for example, have pointed to an editorial in the Washington Post that said it is no penalty at all if two people with jobs get married and suddenly find themselves paying a higher tax. Of course, neither the editorial nor the Democrats explain why this isn't a penalty; they just say it isn't and point out that two incomes considered as one income make for a higher income and higher taxes under a graduated system.

That's nothing new. The point is that it is, in effect, a penalty to make people pay more when they wed—and it is wrong, especially considering the embattled condition of the crucial institution of marriage today.

But the tax-and-spend proponents aren't through. They note that the Republican legislation would also lower the taxes of a spouse who provides the only income or a lopsided percentage of the income and who already has a tax advantage over a single person.

The legislation does indeed accomplish this, and anyone who has followed this issue knows why. When past bills aimed to eradicate the marriage penalty were considered, opponents inevitably pointed out that two-income families would then have a tax advantage over one-income families. Such an inequity was taken by many as sufficient grounds to keep the penalty intact until, finally, the tax cutters figured out they could kill the penalty and have a degree of equity in different marital situations, too. All that was needed was to simultaneously reduce taxes for one-income couples.

The tax-and-spend folks don't much like it, either, that the benefits of the tax cut would go to people ''already quite well off''—a position that should make everyone groan. The fact is that it's people who are ''already quite well off'' who pay most of the income tax in this country. To oppose giving them a break is to oppose giving any income tax reductions at all, and to make reductions sound unjust is roughly akin to saying that it is unfair to relieve pain in only those who happen to be experiencing it.

A final argument against reducing the penalty does have some validity—namely, that projected budget surpluses may never materialize and are largely spoken for by endangered entitlement programs. The problem is that, in the absence of tax cuts, the money could well be spent on new programs that encroach further on American lives. History shows that while Congress will seldom do away with programs, it is not nearly so reluctant to raise taxes as needed. Given that, the marriage penalty needs to be eliminated.

The SPEAKER pro tempore (Mr. LAHOOD). All time for debate on the conference report has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RANGEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. 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 271, nays 156, not voting 8, as follows:

[Roll No. 418]

YEAS—271

Abercrombie
Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stabenow
Stearns
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Young (AK)
Young (FL)

NAYS—156

Ackerman
Allen
Andrews
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Slaughter
Snyder
Stark
Stenholm
Strickland
Tanner
Taylor (MS)
Thompson (CA)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—8

Baca
Barton
Campbell
Cooksey
Kilpatrick
Roemer
Smith (WA)
Vento

□ 1253

Ms. CARSON and Messrs. FARR of California, GEJDENSON, DICKS, THOMPSON of California and MINGE changed their vote from ''yea'' to ''nay.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 54 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1339

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 1 o'clock and 39 minutes p.m.

PROVIDING FOR CONSIDERATION OF H.R. 4871, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 560 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 560

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. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 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 62, line 17, through page 63, line 2. During the consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. 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 560 is an open rule providing for the consideration of H.R. 4871, the Treasury and General Government Appropriations Bill for fiscal year 2001.

The rule provides for 1 hour of general debate divided equally between the chairman and ranking minority Member of the Committee on Appropriations.

The rule also waives clause 2 of rule XXI, which prohibits unauthorized appropriations and legislation on an appropriations bills, with regard to the bill.

Additionally, this rule accords priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. This encourages Members to take advantage of the option to facilitate consideration of amendments and to inform Members of the details of pending amendments.

The rule also provides that the Chairman of the Committee of the Whole may postpone recorded votes on any amendment and that the Chairman may reduce voting time on postponed questions to 5 minutes, provided that the votes immediately follow another recorded vote, and that the voting time on the first in a series of votes is not less than 15 minutes.

House Resolution 560 also provides for one motion to recommit, with or without instructions, as is the right of minority Members of the House.

Mr. Speaker, H.R. 560 is an open rule, similar to those considered for other appropriations bills. It will afford a fair and complete debate on the issues surrounding the underlying legislation.

H.R. 4871 continues the trend of this Congress by funding our national priorities while ensuring fiscal responsibility and a balanced budget. The bill increases funding for $678 million over last year's appropriation, placing a priority on enhancing law enforcement priorities such as school violence prevention, international child pornography trafficking, and strict enforcement of our existing gun laws.

The bill also continues our commitment to the war on drugs by maintaining spending for drug technology transfers to our allies in the fight against narcotraffickers; ensuring ongoing efforts to partner with local law enforcement and providing an additional $12.5 million to attack drug smuggling across our borders.

Mr. Speaker, H.R. 4871 funds 40 percent of the law enforcement activities of the Federal Government, and it successfully maximizes the impact of America's investment in those worthy initiatives.

Mr. Speaker, I congratulate the gentleman from Arizona (Mr. KOLBE) for his hard work on this legislation. I urge my colleagues to support this fair, open rule and the underlying bill.

Mr. Speaker, I yield such time as he might consume to the gentleman from Kentucky (Mr. FLETCHER) for a parliamentary inquiry.

PARLIAMENTARY INQUIRY

Mr. FLETCHER. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the time.

Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FLETCHER. Mr. Speaker, if the previous question on the rule is defeated, would it be in order for a Member to offer an amendment to the rule?

The SPEAKER pro tempore. The Chair would recognize the Member who led the opposition to ordering the previous question for the purposes of offering an amendment to the resolution, if the previous question were not ordered.

Mr. FLETCHER. Mr. Speaker, as I continue, I plan on leading the fight against the previous question. I want to inform my colleagues that I intend to oppose the previous question and encourage them to do so. If it is defeated, I intend to offer an amendment to rescind the Member COLA.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Georgia (Mr. LINDER) for yielding me the time.

Mr. Speaker, this is an open rule which will allow for the consideration of H.R. 4871. As my colleague from Georgia has explained, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority Member on the Committee on Appropriations.

This allows germane amendments under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer amendments that do not violate the rules for appropriations bills.

□ 1345

Mr. Speaker, this is an important bill. It is one that funds executive branch agencies important to the ongoing activities of the Government and through the Treasury Department funds are provided to bureaus and offices that make our money, that pay our debts and collect our taxes.

I am disappointed that overall the bill provides for $2.1 billion below the administration's request. There are significant funding shortfalls in a number of important areas, including our government's counterterrorism programs and the Internal Revenue Service's restructuring efforts.

However, there are a number of significant provisions in this bill. The measure provides for $76 million to expand the Youth Crime Gun Interdiction Initiative and to assist State and local governments in tracing firearms. It provides $185 million to the National Youth Antidrug Media Campaign, which has been a proven campaign to prevent drug abuse among our Nation's young people, and it provides an increase in funds for the National Center for Missing and Exploited Children.

In addition, Mr. Speaker, this bill contains an immensely important provision that I have worked on for some time with my colleague, the gentleman from Virginia (Mr. WOLF). The Wolf amendment addresses the widespread problem of conflict diamonds in Africa.

The language prohibits the U.S. Customs Service from using any funds in the bill to allow diamonds from certain conflict regions in Africa from entering the stream of U.S. commerce.

Mr. Speaker, this provision was not protected against a point of order by the Committee on Rules due to jurisdictional concerns raised by my colleagues on the Committee on Ways and Means. I have received assurances, as the gentleman from Virginia (Mr. WOLF) has, too, however, that the Committee on Ways and Means will hold a hearing on this subject prior to final enactment of the treasury postal appropriations bill.

Based on these good-faith assurances and a commitment by my colleague, the gentleman from Illinois (Mr. CRANE), I did not offer a motion to the rule last night to waive points of order against the Wolf provision. I appreciate my colleagues' cooperation in holding a hearing, and I urge them to schedule it without delay.

This is important because rebel groups, particularly those in Sierra Leone, are killing and maiming their own people in a battle to control the diamond mines, and these groups are becoming rich overnight by trading illegally seized diamonds for arms and then brutalizing their people. In Sierra Leone, these rebels transformed themselves from a ragtag group of people of 400 to a force of 25,000 soldiers that has made hundreds of millions of dollars from these diamonds, and they have killed more than 70,000 people.

Mr. Speaker, I visited Sierra Leone last year where I personally witnessed the atrocities committed by rebels. I met with victims who had their arms and hands cut off because they supported democracy; children who were drugged and forced to kill their parents and others; girls who were routinely raped. Atrocities like these are funded through illegal diamond smuggling, and by allowing the importation of these conflict diamonds from Sierra Leone and other countries who are involved in diamond smuggling, we are turning a blind eye to a situation most law-abiding citizens would abhor.

American consumers buy diamonds as tokens of love and commitment and

not as parties to atrocities. Last year my colleague, the gentleman from Virginia (Mr. WOLF), and I introduced legislation to require the disclosure of a diamond's country of origin. The measure was intended to provide American consumers, who buy 70 percent of all the diamonds in the world, the information they need and want in order to buy legitimate diamonds.

Two weeks ago the United States voted for a U.N. resolution calling for an embargo on conflict diamonds from Sierra Leone and the language in the bill before us today implements that policy by barring these black market diamonds from entering our country. It is a bold step, of course, and one that I support.

Again, I would emphasize the importance of congressional hearings on conflict diamonds by the Committee on Ways and Means. Mr. Speaker, we cannot allow jurisdictional issues in the House to supersede the fact that innocent people are losing their lives in Sierra Leone and other African countries.

Mr. Speaker, the rule was approved by voice vote in the Committee on Rules last night.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. FLETCHER).

Mr. FLETCHER. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me this time.

Mr. Speaker, I rise to express my opposition to the rule on the Treasury Postal appropriations bill because it does not make in order an amendment to disallow the cost of living adjustment for Members of Congress. It is my intention to ask my colleagues to defeat the previous question on this rule so that we will have an opportunity to amend the rule and make this amendment in order.

The pay raise, I believe, is inappropriate at this time and unnecessary. A 2.7 percent pay increase would increase the salaries of Members by almost $4,000. The total price tag to American taxpayers is $2.1 million.

Now where I come from, the average salary for a family in my district is about $25,000, and this $2.1 million in the pay increase that would occur here is a lot of money to the folks back in Kentucky.

Now we have come a long way in Washington over the last few years, balancing the budget, preserving Social Security and Medicare and reducing the debt; and yet I believe there is still a lot more that can be done.

With a balanced budget and surpluses as far as the eye can see, I believe we must focus on strengthening America, paying down the debt, and giving more money back to the American worker.

I've worked closely with the folks in the 6th District to accomplish a great deal these past two short years. That's because I came to Washington to fight for their needs, concerns, and issues, not for another pay raise.

I find it very disturbing when we just had a vote on eliminating the marriage penalty tax, when I see 155 Democrat Members who voted against giving families, married couples, a $1,400 average tax reduction a year and yet those same individuals will probably vote to increase the COLA and give themselves a $4,000-a-year increase in pay. I find that very disturbing.

That is the reason I am rising, Mr. Speaker, to oppose the previous question; would ask my colleagues to vote against the previous question, and I want them to understand that a vote against the previous question is a vote to rescind the COLA and to allow an amendment to be in order.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Speaker, I rise today to speak about the Members' annual cost of living allowance, not to oppose it but to talk about the procedure we are using to consider it.

During my time in Congress, we have addressed this issue several times. In 1997, I opposed the increase because the Federal budget was in deficit, and we were proposing massive cuts to programs that everyday people rely upon. I was also concerned about the process the House employed in considering the COLA. I was unhappy that there was little public debate on the issue and only a procedural rather than a straight yes or no vote.

In 1999, the procedure was the same. Again, I was uncomfortable; and as I did with the 1996 COLA, I did not accept the increase and returned the net amount to the Treasury.

Now, many Members argue that COLA is not a raise per se and that the statute automatically authorizes implementation without requirement of debate or vote. Several point out that COLAs for other workers operate in just this fashion. This is true. It is absolutely correct. However, we are not like other workers. One hundred percent of our costs, both for employment and office expenses, are borne by the taxpayers. We also set our own salaries, and we have no direct employer or supervisor, except the public in the collective.

Few workers in this country enjoy such circumstances. We have the luxury through our own action, or in this case inaction, to alter the amount of money we earn. Given that, I believe a substantive vote on the COLA is the appropriate way to handle the annual increases. Nevertheless, it does not appear that my views are likely to prevail on this issue, although I will continue to promote a direct vote.

Mr. Speaker, I am not opposed to the COLA itself. I believe that Members can justify a 2.7 percent increase in their wages, but I also believe that the taxpayers who pay our salaries have a right to ask for that justification. In order to do so, however, they must be able to understand the House's action relative to its compensation.

I am not here to criticize or demean the hard work of the good people with whom I serve in this body. Nor do I wish to disparage the views of those who disagree with me. I have a personal sense of propriety that we should be doing this publicly. I am making it clear to my constituents that we are indeed voting to raise our salary.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the time.

Mr. Speaker, I rise today to join with others to protest the process that we are using here with regard to the issue of the pay raise, so I intend to vote no on the previous question. I also intend to vote no on the rule.

I oppose the rule because it is in the process of making the rule that we were denied the opportunity of whether or not we would be able to vote on this pay raise or not. Those who are opposed to the pay raise would probably then want to vote no on the previous question, which I intend to do as well. This really is not a debate about whether we should get a pay raise or not. In fact, I think one could make a case for why we ought to have a pay raise.

This has been a very, very productive Congress, particularly this year. We have balanced the budget I think the third year in a row. We have reformed welfare. We have extended the life of Social Security and Medicare. We passed a prescription drug benefit, several tax reduction bills. We passed the appropriation bills in record time and the budget as well, but the real issue here is whether or not we ought to vote every year on whether we get this pay raise or we do not.

I think the point here is that there are very few Americans who get an automatic pay raise, and there are even fewer Americans who get to decide whether or not their pay is going to go up or it is going to go down. The rule did not make in order an opportunity for us to vote on this.

Now, when I was an employee, I never went to my employer and said, I did not do a good job but I want a pay raise. No, I went to them and said, I think I have been doing a good job. I think I have earned it, and I think I deserve a pay raise.

I never, as an employer, had an employee come to me and say, I want a pay raise but I do not think I earned it. If they did, I do not think I would have granted them a pay raise.

No, we have an obligation to convince the person who controls our pay

that we deserve it, and we ought to do that with our constituents. We ought to go back to our constituents and say, look, I think I have earned a pay raise, and justify it to the people who hired us, the people who elect us to be here. So I think it is wrong for us to avoid the opportunity to vote on whether or not we ought to have a pay raise or not, and so I intend to vote against the previous question.

I also intend to vote against the rule.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume to urge Members to support both the previous question and the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FLETCHER. 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 250, nays 173, not voting 12, as follows:

[Roll No. 419]

YEAS—250

Abercrombie
Ackerman
Andrews
Archer
Armey
Bachus
Ballenger
Barr
Barrett (NE)
Bass
Bateman
Bentsen
Bereuter
Berman
Biggert
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Capuano
Cardin
Clayton
Clement
Condit
Conyers
Cox
Coyne
Crane
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehlers
Engel
Eshoo
Everett
Ewing
Farr
Fattah
Foley
Fowler
Frank (MA)
Frost
Ganske
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Houghton
Hoyer
Hunter
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kennedy
King (NY)
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lowey
Markey
Martinez
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Pickett
Pombo
Porter
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Rodriguez
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Salmon
Sawyer
Schakowsky
Scott
Serrano
Shadegg
Shaw
Shays
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stark
Stenholm
Stupak
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Towns
Traficant
Turner
Upton
Walsh
Watkins
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—173

Aderholt
Allen
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (WI)
Bartlett
Becerra
Berkley
Berry
Bishop
Boswell
Brady (TX)
Bryant
Buyer
Capps
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Costello
Cramer
Crowley
Danner
Deal
DeFazio
DeMint
Deutsch
Duncan
Edwards
Emerson
English
Etheridge
Evans
Filner
Fletcher
Forbes
Ford
Fossella
Franks (NJ)
Frelinghuysen
Gallegly
Gejdenson
Gekas
Gibbons
Goode
Gordon
Green (WI)
Hall (TX)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hoeffel
Holt
Hooley
Horn
Hostettler
Hulshof
Hutchinson
Inslee
Jenkins
Johnson (CT)
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
Kingston
Kleczka
Kucinich
LaHood
Largent
Lazio
Lewis (KY)
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCarthy (NY)
McIntosh
McIntyre
McKinney
Metcalf
Mica
Minge
Moore
Moran (KS)
Napolitano
Nethercutt
Northup
Ose
Pascrell
Paul
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pomeroy
Portman
Price (NC)
Radanovich
Ramstad
Reyes
Reynolds
Riley
Rivers
Rogan
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Sherman
Sherwood
Shimkus
Shows
Snyder
Spratt
Stabenow
Stearns
Strickland
Stump
Talent
Tanner
Taylor (MS)
Terry
Thune
Thurman
Tiahrt
Tierney
Toomey
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Vitter
Walden
Wamp
Waters
Watts (OK)
Weller
Weygand
Whitfield
Wilson
Wise
Wu

NOT VOTING—12

Baca
Barton
Campbell
Clay
Clyburn
Cooksey
Ehrlich
Kilpatrick
Mollohan
Roemer
Smith (WA)
Vento

□ 1420

Mrs. NORTHUP, Ms. DANNER, Ms. VELÁZQUEZ, and Messrs. DEUTSCH, PETERSON of Pennsylvania, BAKER, KINGSTON, SHERMAN, THUNE, DEAL of Georgia, and HORN changed their vote from ''yea'' to ''nay.''

Mrs. CUBIN, Ms. SLAUGHTER, and Messrs. FARR of California, CAMP, CONYERS, and ROHRABACHER changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EHRLICH. Mr. Speaker, on rollcall No. 419, I was away from the floor and neither the bell system nor my beeper notified me of the vote. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. HILL of Montana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 282, noes 141, not voting 11, as follows:

[Roll No. 420]

AYES—282

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Bachus
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capuano
Cardin
Castle
Chenoweth-Hage
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cox
Coyne
Crane
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehlers
Emerson
Engel
Eshoo
Etheridge
Ewing
Farr
Fattah
Foley
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gephardt

Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kelly
Kennedy
King (NY)
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Lofgren
Lowey
Lucas (OK)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reynolds
Rodriguez
Rogers
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stark
Stenholm
Stump
Sununu
Sweeney
Talent
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Towns
Traficant
Turner
Upton
Vitter
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NOES—141

Aderholt
Baird
Baker
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berry
Bono
Boswell
Brown (OH)
Bryant
Capps
Carson
Chabot
Chambliss
Coble
Coburn
Collins
Cook
Costello
Cramer
Crowley
Danner
Davis (IL)
Deal
DeFazio
DeGette
Deutsch
Duncan
Edwards
English
Evans
Everett
Filner
Fletcher
Forbes
Ford
Fossella
Gejdenson
Gekas
Gibbons
Gonzalez
Goode
Gordon
Green (TX)
Hall (TX)
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hoeffel
Holt
Hooley
Hostettler
Hulshof
Inslee
Jackson (IL)
Jenkins
Jones (NC)
Kaptur
Kasich
Kildee
Kind (WI)
Kingston
Kleczka
Kucinich
LaFalce
Largent
Lewis (KY)
LoBiondo
Lucas (KY)
Luther
Maloney (CT)
McGovern
McIntosh
McIntyre
McKinney
Meehan
Metcalf
Minge
Moore
Moran (KS)
Napolitano
Oberstar
Obey
Owens
Pascrell
Pastor
Paul
Petri
Phelps
Pomeroy
Ramstad
Reyes
Riley
Rivers
Rogan
Rothman
Roukema
Royce
Rush
Sanders
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Shadegg
Sherwood
Shimkus
Shows
Slaughter
Snyder
Stabenow
Stearns
Strickland
Stupak
Tancredo
Tanner
Taylor (MS)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Wamp
Weygand
Whitfield
Wilson
Wise
Wu

NOT VOTING—11

Baca
Barton
Campbell
Clay
Cooksey
Ehrlich
Kilpatrick
Roemer
Smith (WA)
Vento
Woolsey

□ 1439

Mr. MORAN of Kansas and Mr. BROWN of Ohio changed their vote from ''aye'' to ''no.''

Ms. DELAURO changed her vote from ''no'' to ''aye.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. EHRLICH. Mr. Speaker, on rollcall No. 420, I was away from the floor and neither the bell system nor my beeper notified me of the vote. Had I been present, I would have voted "aye."

CONGRATULATIONS TO TIM AND SALLY ROEMER ON THE BIRTH OF GRACE ELIZABETH

(Mr. DOOLEY of California asked and was given permission to address the House for 1 minute.)

Mr. DOOLEY of California. Mr. Speaker, I rise just to announce to my colleagues that the gentleman from Indiana (Mr. ROEMER), our good friend, and his wife, Sally, had a baby this morning, a little girl.

I think it is important, when we have spent some time talking about marriage today, that we talk about a product of a very great marriage, and that is TIM and Sally ROEMER, who, this morning, at 3:30, had their fourth child, a girl, Grace Elizabeth, who is 7 pounds 11 ounces. I just want to announce this to my colleagues, and we all join them in wishing them the best.

GENERAL LEAVE

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on consideration of H.R. 4871 and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Arizona?

There was no objection.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 560 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. 4871.

□ 1440

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. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, with Mr. DREIER 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 Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am very pleased today to present H.R. 4871, the Treasury and General Government Appropriations Act for Fiscal Year 2001. As reported to the floor, this bill contains $14.4 billion in discretionary budget authority for the Department of Treasury, the Executive Office of the President, the Postal Service, and other independent agencies. This represents an increase of $678 million above the current year levels. That is about 5 percent.

Mr. Chairman, in a few moments, I suspect we will hear from some of our colleagues that this bill fails to meet its critical responsibilities for agencies under this subcommittee's jurisdiction. I do not disagree with that. I disagree, however, that we are not meeting our priorities, because we do meet the priorities in this bill.

We do not fund everything, but we meet the priorities. Do we fund everything that was requested by the President? No. But being below the President's request by $2.1 billion does not make this bill or this subcommittee irresponsible. It means we have somewhat different priorities.

Do we provide $225 million to hire an additional 2,835 IRS employees? No. Do we fund seven new courthouses for a cost of $488 million? No, we do not.

The bottom line is this, in putting together this bill, choices had to be made.

Some of my colleagues on the other side of the aisle have called this bill half empty. I, on the other hand, believe the bill presented here today is more than half full.

Mr. Chairman, the bill before us today provides $4.9 billion for Federal law enforcement, and that supports 30 percent of all Federal law enforcement. This includes funds for the U.S. Customs Service to protect our borders from drugs and other contraband as well as to protect our burgeoning trade; funds for the Secret Service to protect, not only our Nation's dignitaries, but also our currency and our children through their school violence program; and funds for the Bureau of Alcohol, Tobacco and Firearms to enforce our gun laws.

As my colleagues are aware, one of the greatest challenges with this bill is keeping it free of controversial legislative riders. We seem to have a great talent for attracting controversy for a whole host of reasons.

It is unfortunate that so much time gets spent debating not appropriations matters on this bill. From my perspective, it is even more unfortunate the passage of this measure has nothing to do with the programs and activities that are funded here but rather with legislative items that either are attached or perhaps not attached.

□ 1445

And what gets lost in the debate is the good things that are accomplished by this bill.

For those who may in the end decide to vote against this measure, let me tell them what they are opposing. They would be opposed to $185 million for ONDCP, the Office of National Drug Control Policy, for that youth media campaign that keeps kids off drugs and helps parents learn how to teach children just to say no.

They would be opposed to $30 million for Drug Free Community Grants, partnerships between community coalitions and the Federal Government for the purpose of reducing drug use.

They would be opposed to $192 million for High Intensity Drug Trafficking Programs, providing assistance to State and local law enforcement in areas most adversely affected by drug trafficking.

They would be opposed to $13 million to keep children out of gangs through the GREAT program that is administered through the Bureau of Alcohol, Tobacco and Firearms.

They would be opposed to $76 million for the Youth Crime Gun Interdiction Initiative, called YCGII, to take guns out of the hands of our Nation's youth.

They would be opposed to $3.6 million for the National Center for Missing and Exploited Children, reuniting children with their families and supporting the child exploitation unit.

They would be opposed to $1.7 million for a new program for the Secret Service's National Threat Assessment Center, a project designed to prevent targeted violence from occurring in schools by helping schoolteachers and administrators identify problems in advance.

And, yes, $4 million for the Customs Cybersmuggling Center to target international child pornography trafficking and child exploitation via the Internet.

The list I have just shared with my colleagues is a small sampling of what is included in this bill. I could continue. I could tell my colleagues about the $233 million that is in here for Customs Automation, including $105 million for the much-awaited and even more needed Customs information technology modernization program that is known as ACE, and I know that many of my colleagues have a strong interest in this program.

I could also stand here and inform Members about the reporting requirements that we have included regarding the First Lady's use of government aircraft for the Senate campaign, and funding for the National Archives to improve veterans recordkeeping and accessibility or the reforms for the Federal Elections Commission that will help ensure accurate and timely disclosure during the current election cycle or advise my colleagues about improvements in Treasury's ability to collect Federal debts. But, Mr. Chairman, in the interest of time, I will not list all of the many fiscally responsible or the good government provisions that are included in this bill.

My point is simply this: Does the bill do everything that everyone wants? No. But it is strong on law enforcement, it is tough on drugs, it is supportive of efforts to modernize the Customs Service, provides law enforcement with the resources it needs to enforce our current gun laws and is a good government bill. It is a people's bill. And all this is accomplished in a fiscally responsible manner.

Mr. Chairman, before I conclude my remarks in this general debate, I want to take just a moment to say thank you to the other hard-working members of this subcommittee and to all the others who have worked to help make this, I believe, a better bill.

In particular, I want to extend my appreciation to the ranking member, the gentleman from Maryland (Mr. HOYER), and to his staff, Scott Nance and Pat Schlueter; the subcommittee staff on our side who are surrounding us here, Michelle Mrdeza, Jeff Ashford, Kurt Dodd, Tammy Hughes, and Doug Burke; and my personal staff, who has worked so hard on this bill, Kevin Messner. Without their work, Mr. Chairman, the bill that we would have here today would be far more imperfect than it is.

Without the work and the cooperation of the distinguished ranking member, the gentleman from Maryland (Mr. HOYER), I do not believe we would have a bill here. While it is not acceptable to him, and I understand that, it is a bill that we have at least been able to work together on to try to move through this process and get it to where we are. I am very grateful to the gentleman from Maryland for the cooperation that he has shown and for his hard work on this bill, as I have just said.

Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield myself 8 minutes.

First, Mr. Chairman, let me start by thanking the chairman, the gentleman from Arizona (Mr. KOLBE), for not only his comments but, more importantly, for his chairmanship of this committee, which he chairs in a very responsible and fair manner. Unfortunately, I think too often, Mr. Chairman, the American public gets the impression that all we do is come here and yell and scream at one another and try to make political points. Clearly, while that happens, and it happens perhaps too frequently, we do have the opportunity of working together constructively, and it is a great privilege for me to work with the gentleman from Arizona, constructively on fashioning this bill. The chairman has had to make some tough decisions within the allocations for this year; and he has done, I think, a good job with insufficient funds.

I would also like to mention the outstanding job that the Chairman's staff director Michelle Mrdeza does, along with her staff of Jeff Ashford, Kurt Dodd, Doug Burke, Kevin Messner and others on the committee.

Mr. Chairman, the 302(b) allocation for this bill is $2.1 billion below the requested level. That is in a bill that has $14 billion of discretionary spending. So it is 17 percent below what the administration believed was necessary to carry out the functions of the agencies in this bill.

By comparison, Mr. Chairman, last year at this time the 302(b) was less than $.5 billion below the President's request. The chairman has decided to fund law enforcement functions at the expense of other general government responsibilities this subcommittee has. Very frankly, I am not sure he had any alternative. For example, Treasury's law enforcement bureaus are funded at or near the administration's request.

That is relevant because it was not a conclusion that the administration's requests were unreasonable, because we have essentially funded them in the law enforcement area. This law enforcement funding includes ATF agents, enough agents to enforce our gun laws; funding to begin development of the U.S. Customs Service Automated Commercial System, while maintaining their current system; and funding to continue the Secret Service workload balancing initiative.

However, the allocation for this bill is not adequate to fund several priorities that are critical to the American people. The chairman knows this, reiterated it today, and reiterated it in our report. As a matter of fact, quoting the bill's report on pages 4 and 5, it says, ''The committee acknowledges that IRS, GSA, and the National Archives have borne the brunt of the restraint on spending found in the bill, requiring denial of requested increases for the upcoming year.''

This is not the only bill, Mr. Chairman, which is short. Several other appropriation bills are already facing veto threats from the President because of spending amounts that are inadequate to carry out the responsibilities assigned by this Congress.

Republicans, very frankly, are using this strategy in order to push their tax cut agenda, from our perspective, one that will cost $175 billion over 5 years and a whopping $1 trillion over 10 years. It has been segmented, and we are considering those individually, but, nevertheless, their overall impact is the same as it would have been last year. It will put a hole in our ability to bring down the debt; put a hole in our ability to make sure that Medicare and Social Security are secure; put a hole in our ability to fund prescription drugs; and, obviously, as this bill reflects, puts a significant hole in our ability to invest in the responsibilities that we have to the American people.

I might add that I, along with most of my colleagues on this side of the House, supported a tax relief plan for middle-income families that is fiscally responsible. As a matter of fact, I supported the Blue Dog's budget, which would have provided for 25 percent of the surplus for investments, 25 percent for tax cuts, and 50 percent of the surplus applied to budget deficit reduction.

This bill does not do that, however. It underfunds the Internal Revenue Service by $466 million. This level would not even cover mandatory inflation, resulting in a loss of almost 5,000 FTEs all together and the resultant decline in taxpayer service. The bill jeopardizes implementation of the IRS Reform and Restructuring Act, for which all of us voted, and the report of which said that if we were for IRS reform we had to be at the time of budget writing and tax writing.

It also puts at risk successful completion of the 2001 filing season. Customer service would be reduced. And one of the principal items we said in the restructuring act was that we wanted IRS to be customer friendly. Mr. Rossotti, the Director of the IRS, a nonpartisan director, a manager, and a businessman, has said that he cannot do the job we expect given the funds we are providing.

Audit coverage, and this ought to be of concern to every one of us, would decline to all-time record low levels, reducing revenue to the government by up to $2 billion. It would provide for less than a quarter of a percent of audits being applied for returns filed. The modernization of IRS, its computer systems and business practices would be threatened.

No funding, Mr. Chairman, is provided for construction projects requested by the administration. We have a serious crisis going on across the country in terms of our Federal Courthouses. We have spent billions of dollars over the last 10 or 15 years on the war against drugs and crime, resulting in a hefty increase to the judiciary's caseload. To handle these changes, we cannot ignore the need to provide adequate courthouses.

The administration's request to continue the Food and Drug Administration's consolidation project is zeroed out, costing us dollars, time, and effectiveness. This project makes sense fiscally and was supported by the Reagan-Bush and Clinton administrations.

The administration's request for a new Alcohol, Tobacco, and Firearms headquarters is zeroed out. Not funding this project will prolong the serious security risk for the 1,100 ATF employees working at the current location. All told, GSA estimates failure to fund the administration's request for construction projects under its jurisdiction will cost the taxpayers almost an additional $100 million.

The administration's request to fund the renovation of our National Archives building is zeroed out. None of these things, I think, the chairman wanted to do. First and foremost, the threat of fire in the Archives building is high. Delaying this project will put the lives of visitors and staff at risk and endanger irreplaceable archival records. Delaying this project will also cost the taxpayers millions of dollars in added cost.

Excluding funding for the drug czar's office, the requested increases by the President totaled $20.9 million, of which only $6.4 million is included in the bill, resulting in a 69 percent cut from the requested increase for the executive office accounts. Included in these cuts is $2.5 million for Puerto Rico to hold a referendum to determine the Island's status.

Mr. Chairman, I have other concerns about this bill, including the denial of funding for Treasury's financial management services for computer security and accounting modernization; lack of funding for presidential transition, which is not included at all in this bill, and we know that is going to happen; a 32 percent cut in funding for repairs of Federal buildings. If we do not maintain our buildings, frankly, they will become more expensive. I am concerned as well about the denial of the President's critical infrastructure protection initiative in the General Services Administration and the Office of Personnel Management; and the lack of additional funding necessary for the Merit Systems Protection Board to carry out its congressionally mandated requirements.

Mr. Chairman, this bill is a good bill as far as it goes. It does not go far enough and, therefore, in this form, I cannot support it.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. DAVIS).

□ 1500

Mr. DAVIS of Virginia. Mr. Chairman, I thank my friend for yielding me the time.

Mr. Chairman, I stand in support of the bill as it is currently drawn. It certainly has some shortcomings; but it has got I think some great dividends for the Federal workers, for the Federal complex at Lorton, which will soon be returned back to the Commonwealth of Virginia, several million dollars there for environmental cleanup of that site.

But particularly, I want to address the rollback in the Federal retirement contributions. This was something that was put into operation at the time of the Balanced Budget Act. Federal employees were asked to give up one-half of one percent of their salaries to help the Federal deficit.

We thought at that time it would take several years to balance the Federal budget, and these rollbacks were to come out of effect into the year 2003. As we have seen, the budget has been balanced earlier than it was originally forecast.

As a result of this, we think the Federal employees ought to have their money returned to them in a more timely manner. And this legislation does that. It mirrors legislation that I have introduced and have over a hundred cosponsors in the House. It was introduced by my friend, the gentleman from Maryland (Mr. HOYER), in committee.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Virginia. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I want to congratulate my friend, the gentleman from Virginia (Mr. DAVIS), for his leadership on this issue and his effective articulation of the equity of this act that we have taken. I appreciate working with him. He has been very effective, and his leadership has been very important.

Mr. DAVIS of Virginia. Mr. Chairman, this has been a good team effort. I see the gentleman from Virginia (Mr. MORAN) is here, as well and the gentleman from Virginia (Mr. WOLF), who has also been very active in this.

Some Members oppose this because they think this is going to costs the

Treasury $1.2 billion over 3 years. But I would remind my colleagues that this money is not the Government's money. It really belongs to Federal employees who worked and earned this money under a contract with the Government and then gave it up to help us balance the budget.

We are simply returning to them their own money to allow them to spend it, the same thing that we are doing to American citizens when we give them tax cuts. This was promised to them to be restored at the time that we balanced the budget, and now we have done that.

As I said before, this was originally slated to expire in 2003 because that was the year it was assumed that the Federal budget would be balanced. But our goals we have arrived at 3 years early. So let us return this money to the people from whom it was taken.

Federal employees sacrificed over $180 billion in benefits to get us to our goal of a balanced Federal budget. Now it is time that we return to them what we roll back from them. This is our first opportunity to do that. This will help us recruit and retain the best and the brightest for Federal service. This is very important for the Federal Government to fulfill their mission.

I appreciate the efforts of everyone who has been involved with this, and I urge support for the bill.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the distinguished ranking member of the Subcommittee on the Treasury, Postal Service and General Government for yielding me the time.

Mr. Speaker, I want to follow up on the comments that my colleague, the gentleman from Virginia (Mr. DAVIS), just expressed with regard to the equity included in this bill for Federal employees.

Back when the Balanced Budget Act of 1997 was implemented, we felt that one provision that would save money and that Federal employees would be willing to do, and in fact they did not have a lot to say about it, was to require them, basically, to contribute another half percent on their Federal retirement contribution.

Now, as a result of this and several other measures that were designed to balance the Federal budget, Federal employees have paid in about $800 million towards the objective of balancing the budget.

When this was done, the projected deficit was almost $100 billion. Today we have a surplus of over $200 billion, a $300 billion turnaround.

So I agree with the Subcommittee on Appropriations and the full Committee on Appropriations that it is time to undo this provision, because this is Federal employees' money. When we are in a surplus environment, we want to act as fair and balanced as possible. That is why we lift this burden on Federal employees.

As of next January 1, the retirement contributions required by Federal employees will be reduced by half a percent.

I appreciate the gentleman from Maryland (Mr. HOYER) adding this to the bill. I appreciate the support on the part of the gentleman from Arizona (Chairman KOLBE). This is the right thing to do. I appreciate the fact that we have as many cosponsors as we do to ensure that this stays in the bill.

There are 1.8 million Federal employees. They work very hard. They deserve this equity provision. I trust it will stay in the bill and be enacted.

Mr. KOLBE. Mr. Chairman, I yield 3 minutes to the very distinguished gentlewoman from Missouri (Mrs. EMERSON), who happens to be a very hard-working member on the subcommittee who has contributed tremendously to this bill.

Mrs. EMERSON. Mr. Chairman, I want to rise today in support of the Treasury, Postal Service and General Government appropriations bill.

I really want to congratulate the chairman and ranking member, the gentleman from Maryland (Mr. HOYER), and their staffs for the incredibly hard work they have done on getting this bill to the House floor today in not the most easy of circumstances, but they have really shown what teamwork is like and working together across the aisle to try to achieve the best results with resources that are scarce.

I want to also say that this bill goes a long way towards tightening our borders, making our streets safer, and fighting the war on drugs. It takes important steps towards these goals by increasing the budgets of the Customs Service, the Secret Service, and High Intensity Drug Trafficking Areas.

I think the legislation continues to show Congress's strong commitment toward winning the war on drugs. Through the funding of HIDTAs and the Office of National Drug Control Policy, we are making a strong statement that we will not give up on this fight and that we will take any and all steps necessary to make sure that our children and our Nation are drug free.

I just want to say that, coming from a very rural area in southern Missouri, I know firsthand the problems that drugs and specifically methamphetamine can cause for families for a region and for a State. We are currently in the midst of a methamphetamine epidemic, Mr. Speaker. It endangers our children both from its use and from the violence associated with it by endangering our youth; then meth endangers the very future of Missouri and of our very Nation.

I must say that our local law enforcement officials have their hands full and are looking for any additional resources to assist them in stopping the spread of this awful drug.

With 1.1 million acres of the Mark Twain National Forest, I can tell my colleague it is a haven for methamphetamine production. Anything we can do to put funds toward more law enforcement to monitor this area would be very, very helpful.

I really do think the HIDTA program has been a key factor in assisting our law enforcement officials to get this problem under control. I think that this is one of the most important programs that we fund in the Treasury-Postal bill. I would hope that if any additional resources come our way that we could revisit the HIDTA appropriation at some time. And I am hopeful that that will be done.

I again want to thank the chairman for his hard work and the gentleman from Maryland (Mr. HOYER) for his hard work, and I look forward to working with both of them through the process.

Mr. HOYER. Mr. Chairman, will the gentlewoman yield?

Mrs. EMERSON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I want to congratulate the gentlewoman for her comments and say, as she knows, I support her. I think the HIDTA program is one of the best programs in our bill, and I look forward to working with her and the chairman and the administration to properly fund it.

Mr. HOYER. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, the gentleman from Maryland (Mr. HOYER) has already indicated some of the reasons for concern on this bill. This bill falls far short of the administration's request in meeting basic community needs for courthouses and the rest.

I also am concerned, as the committee knows, with the nongermane provision which was added to this bill in committee with respect to retirement. That is water over the dam, and I am not going to milk that one any longer. But I would like to raise the same issue I raised in full committee.

We have seen a tremendous drive to privatize virtually everything in this society in the last 20 years, and in some places that is appropriate. But I would like to describe what I see happening in a number of middle-sized towns all over this country where we have a lot of Federal offices that have become fragmented.

In my hometown, for instance, we have a wide variety of Federal offices. We have military recruitment offices. We have Labor Department offices, wage-and-hour division. We have Social

Security. We have the Justice Department. You name it.

The problem is that they used to all be located in the same place; and so if you were a constituent not exactly fully attuned to the niceties of the Government's organizational tables, you could still walk into the Federal building and know that somebody could point you to the right floor, the right office and you could get the job done without having to go all over town.

Today, in my hometown and in many others across the country, all of those services are fragmented; and so what happens is, and this does not just happen in Wausau, Wisconsin, it happens all over the country. You can send a senior citizen who may see the VA in one place, they may see the Social Security people in another place, they may see the Labor Department in another place. They have got to crisscross town half a dozen times before they have figured out who is the lead agency and how you deal with the problem.

We have had a great deal of talk when we deal with the Labor-Health bill about one-stop service for people who are in need of job training, for instance. I think we ought to try to create a situation where you have one-stop service for everybody who is trying to walk into a government office to try to get some help on a problem they have.

I do not believe we are going to have that unless this Congress forces a reevaluation of the way we provide service to people in this country. It just seems to me that the Congress ought to ask the administration and GSA to review what options are available so that we can begin to pull Government services, at least Federal services, together again in any one place so that people feel a little bit better about their Government tomorrow than they do today because they have a little bit better idea of where they can go to get some help when they need it.

This is nothing that is very sexy politically; and so it is one of those things that just does not get focused on. But, in my view, if we want to improve the reputation of government at the local level, one of the most important things would be to give people the opportunity to stop in at one place and get their questions answered and get their problems addressed.

So I would simply ask the committee, by the time this bill is produced next year, to work with me and others who are interested in it so that we can begin to get some alternatives for dealing with this fragmentation problem, which leaves people with a more and more sour taste in their mouths each day.

Mr. KOLBE. Mr. Chairman, I yield myself such time as I may consume to make an announcement.

For all those Members on the floor or those who may be listening and staff people who may be listening, we are trying very diligently to complete consideration of this bill in a timely fashion. It would be helpful if Members would advise us if there are amendments that they have not yet filed, if they would bring them here to either the ranking minority member or myself so that we could perhaps consider whether or not a unanimous consent agreement on time limitations might be in order at some point during this afternoon's debate.

So I would ask all Members that may have amendments that we are not aware of if they would like to alert us to that so that we can begin to consider whether or not time limitations when we get to considering amendments might be possible.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. WOLF), the second-ranking member of the subcommittee and a very hard working member.

□ 1515

Mr. WOLF. Mr. Chairman, I rise in very strong support of the bill and want to commend the gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER) and also the staffs. I want to thank the staffs for the courtesy and the help and support that we have had on a number of these issues. I appreciate it very much. Having been a staff person years ago, I know how hard they work. So I just want them to know that I appreciate it.

When the 1997 balanced budget agreement was reached, a provision in it mandated that Federal and postal employees contribute a higher proportion of their salaries to the retirement contribution plans in order to do their part to help increase Federal revenues to balance the budget. Originally this provision was to remain in effect until the year 2003, a time when many thought we would still be in an era of deficits. Fortunately, we are running surpluses earlier than anyone anticipated, and it is time to roll back the specific deficit reduction provision on Federal and postal employees. They have paid their share, and it is time to roll it back.

The second issue is on the issue of diamonds which will come up later. I thank the gentleman for his cooperation in helping us. I also want to thank the gentleman from Maryland (Mr. HOYER) for his help and support, and also I want to thank the gentleman from California (Mr. DREIER), who is in the chair, for his help and support on this issue with regard to conflict diamonds that are resulting in young people in Sierra Leone losing their arms. For all three gentlemen, I personally appreciate their help very much.

Mr. HOYER. Mr. Chairman, I yield myself 30 seconds. I want to say before the gentleman leaves the floor, the gentleman from Virginia (Mr. WOLF) continues to be one of our ranks who I think is most focused on human rights throughout this world. He takes an extraordinary amount of his own time to visit, to learn and returns to the United States as one of the most powerful and effective voices on behalf of those who are being visited with atrocities and savagery on a regular basis. His voice is one of the strongest in the international community on behalf of protecting individuals and human rights. I congratulate him and am proud to be his colleague.

Mr. Chairman, I yield 5 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman for yielding time. I would also like to say that as a member of the Subcommittee on Treasury, Postal Service and General Government, I am very proud of the leadership of this subcommittee. I do not think that you will find any two better leaders in the Congress than the gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER). So it is not that we have not had good guidance on this subcommittee. We have been cut short in the resources which are available to our subcommittee.

I do not think many Members of Congress understand how important this committee is, certainly maybe not the leadership has not really understood that the Subcommittee on Treasury, Postal Service and General Government holds at its very function general government, and being sure that our government is run well and efficiently, and in doing so, that will certainly leverage the amount of money that is given to this subcommittee to work with. With these inadequate resources, they have been well handled, there are a lot of good things about this bill; and there are several weaknesses about the bill. What we try to do in this subcommittee is to take what we have and do the very best we can.

One of my criticisms of the bill is that we have been very strong on law enforcement; and, of course, I do support law enforcement. I certainly look very strongly to see that we do have an adequate amount of enforcement of the law, that we have very strong customs services and that we protect our borders. That is very crucial to us on the subcommittee.

On the other side of that, I also would like to see our government function more efficiently and with more efficacy when it comes to general government functions, such as a Medicare program, such as Social Security. Think of it, Mr. Chairman. If these functions were not done very well, it would be chaotic to the people we serve. So this subcommittee does need adequate money for administration of

these things, not only in personnel but in bricks and mortar as well.

I want the Congress to be more aware of the things that this subcommittee works with. It is not always what happens with the money in this country, but it is the administration of what happens in this committee. We look over the educational administration; we look over all the key government functions. So it is very important. Think of the national security of this country. It is also addressed by this subcommittee.

My plea is that when we begin to divide and give our 302 funds out, we need to think perhaps more strongly of what this committee does and the function it does to keep government going, because if you want to be criticized back in your district, please note that if the Internal Revenue Service is not functioning effectively, the administration of it is skewed and is not doing well, you will get the criticism for it. If Social Security is not administered effectively, you get the criticism. That is the nuts and bolts of this subcommittee.

The Internal Revenue Service could have gotten a better allotment. I just think we have gotten too inadequate funding in terms of the IRS. That is the place where we need to have it funded and to be sure that the President's budget request which has been strongly gleaned and looked at by the administration and by OMB is more thoroughly looked at.

And, of course, in the area I come from, I am very concerned about fighting drugs and being sure that there is no terrorism. We need more moneys in those particular categories. The committee was not able to fund that as well as I would have liked to see it done. The drug kingpins are still running this country in places that we do not want them to be. We should really enhance the work of the Treasury Department in doing this. I do not think we have done enough of a job to be able to deter this kind of terrorism. We all look at television all the time, Mr. Chairman; and we see what happens in some of these places where we have allowed terrorism to reign instead of being able to administer these funds correctly.

Last but not least, I want to say that this committee could have been stronger on general government funding and perhaps kept the law enforcement but being sure that general government funds are done much better. Last, I would like to say we need these courthouses which are in the budget. They are not in the budget, but they have been in and out of the budget for the last 2 or 3 years. The judicial caseload of these courthouses will need to be met. We no longer can overlook that by saying we do not have adequate funds, because the administration of justice is based on a good climate for the judiciary to conduct itself.

Mr. KOLBE. Mr. Chairman, I yield 4 minutes to the very distinguished gentleman from California (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, today I rise in strong support of this legislation. The measure includes much-needed funding to modernize the outdated Customs computer system. The current system is so susceptible to failure that when this flow of $2.2 trillion worth of goods is stopped, it costs us about $6 billion a day worth of cargo coming across our borders. $6 billion a day. Many assembly lines slow down or shut down, and retailers and consumers all end up paying the price.

In today's ''just in time'' business environment, a company's warehouse is often a 40-foot container that is carried on a ship or on the back of a truck with trailers. Deliveries to factories and consumers is delayed when that box does not move when it is supposed to. This is how U.S. companies are keeping their inventory costs down to stay competitive. Businesses are using the Internet and information technology to make virtually every aspect of business more efficient. Indeed, the typical business supply chain, ranging from manufacturing parts and components to finished goods, is just hours long in many cases. Only a few years ago, this supply chain may have extended days or even weeks. But today that is a different story and a failure in the Customs computer system now has crippling consequences. Let me give my colleagues two real-life examples:

The first is General Motors. They literally will shut down a plant and send people home if parts are delayed as much as 3 or 4 hours at a U.S.-Canadian border crossing point. Another one is Caterpillar, one of the country's largest exporters. They are forced to shut down a production line at their plants in Peoria if they cannot get parts in a timely fashion from an overseas distribution point.

Consumers bear the burden when the shelves at Wal-Mart are empty due to a computer failure that occurred thousands of miles away. What will mothers and fathers tell their kids when it is time for back-to-school supplies and clothing to be there, but the shelves are empty because container boxes were not passing through a port on time because of Customs brownouts? Many of these products are time sensitive now, some are even perishable and must reach retail outlets in a specific time period.

There are also national defense consequences to this computer system. It helps us protect ourselves from the importing of counterfeit or dangerous products. It helps us with the war on drugs by helping tell us where to search for them in the flow of products coming through. It is an integral part of the defense system. You can see when it is going to block bad material, counterfeit material, or drugs.

In my specific district, one-third, one-third of all the trade travels through the Los Angeles region that this Nation does. The combination of the Port of Los Angeles and Los Angeles International Airport make my district one of the most dynamic in the country in terms of Customs activities. Manufacturers throughout the country rely on the goods that move through the Port of Los Angeles and Long Beach. Every shipper, broker, trucker, longshoreman, importer and exporter relies on smoothly operating ports to make their paycheck. A failure in this system, in this region, will disrupt movement of goods throughout the entire Nation.

Modernizing the United States Customs computer system must remain a high priority. It has national defense consequences. It has economic consequences far beyond the reach of that computer system in and of itself. We must continue our efforts to ensure that a potential disaster is averted because this equipment gets modernized in a timely fashion and the flow of goods and services is maintained. I am pleased that funds were designated in the bill for this Customs modernization and much more is needed to be done. I urge my colleagues to support the legislation.

Mr. HOYER. Mr. Chairman, I yield 5 minutes to the distinguished gentlewoman from California (Ms. ROYBAL-ALLARD), a member of the subcommittee.

Ms. ROYBAL-ALLARD. Mr. Chairman, I regrettably rise in opposition to H.R. 4871. I would have liked to have supported this bill, because I believe the distinguished gentleman from Arizona (Mr. KOLBE) crafted the best bill possible under the tight funding constraints that he was given. The bill does, for example, fully fund most of the key law enforcement activities of the bill. However, this bill falls woefully short in other critical areas. As the gentleman from Arizona himself has stated, this bill is $175 million short of what is needed to maintain the current level of services and activities provided for under our subcommittee's jurisdiction.

For example, the underfunding of the IRS by $466 million completely jeopardizes the ability of the IRS to make the changes necessary to improve services and to protect the rights of American taxpayers as required by law. Another glaring deficiency in the bill is the total lack of funding for the construction of critically needed Federal courthouses. The Federal war on crime and drugs has increased to the breaking point the workload of our Federal courts, resulting in the need for more judges and court employees. Yet our court facilities have not come close to keeping pace with this growth.

As a Member who represents the Los Angeles Federal Court district, the

largest in the Nation, covering seven counties and over 17 million people, I know firsthand the severity of this problem. The Los Angeles court, which is at the top of the GSA and Judiciary's priority list, continues to operate out of the original courthouse built in 1938. The lack of adequate space has forced the court to split its operations between the original facility and one several blocks away, causing long delays, inefficiencies, and mass confusion to the public. More importantly, the current situation causes security to be insufficient to protect workers and the public.

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Prisoners facing trial, for example, must be transported between the two court facilities by using public corridors and public elevators. In fact, the U.S. Marshals Service documented critical security concerns with the current facilities in Los Angeles, including life-threatening security deficiencies.

These conditions are simply unacceptable. Congress must act to correct these serious security deficiencies before they result in a terrible tragedy.

Finally, from a fiscal perspective, it is irresponsible not to fund these badly needed new courthouses. According to GSA, the delaying funding for new courthouse projects increases costs by an average of 3 percent to 4 percent a year, meaning that the Federal Government will have to pay significantly more for the same projects in years to come.

These are just some of several reasons I cannot support this bill. I sincerely hope that as we move through the process, additional funding will be added to this bill to ensure that our core government functions are adequately funded. Until that time, however, I must regrettably oppose this bill.

Mr. KOLBE. I include the following table for the RECORD as follows:

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2001 (H.R. 4871)
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE I - DEPARTMENT OF THE TREASURY					
Departmental Offices	134,034	161,006	149,437	+15,403	-11,569
Contingent emergency supplemental	24,900			-24,900	
Department-wide systems and capital investments programs	43,448	99,279	41,787	-1,661	-57,492
Office of Inspector General	30,599	33,608	31,940	+1,341	-1,668
Inspector General for Tax Administration	111,781	118,427	116,427	+4,646	-2,000
Treasury Building and Annex Repair and Restoration	22,700	31,000	31,000	+8,300	
Expanded Access to Financial Services		30,000	2,000	+2,000	-28,000
Money Laundering Strategy		15,000			-15,000
Financial Crimes Enforcement Network	27,818	34,694	34,694	+6,876	
Counterterrorism Fund (emergency funding)		55,000			-55,000
Violent Crime Reduction Programs	130,081			-130,081	
Federal Law Enforcement Training Center:					
Salaries and Expenses	84,027	93,483	93,483	+9,456	
Acquisition, Construction, Improvements, & Related Expenses	21,175	17,331	17,331	-3,844	
Total	105,202	110,814	110,814	+5,612	
Interagency Law Enforcement: Interagency crime and drug enforcement	60,502	103,476	103,476	+42,974	
Financial Management Service	200,555	202,851	198,736	-1,819	-4,115
Bureau of Alcohol, Tobacco and Firearms: Salaries and Expenses	564,773	760,051	731,325	+166,552	-28,726
United States Customs Service:					
Salaries and Expenses	1,698,227	1,887,866	1,821,415	+123,188	-66,451
Harbor Maintenance Fee Collection	3,000	3,000	3,000		
Operation, Maintenance and Procurement, Air and Marine Interdiction Programs	108,688	156,875	125,778	+17,090	-31,097
Automation modernization:					
Automated Commercial System		123,000	123,000	+123,000	
International Trade Data System		5,400	5,400	+5,400	
Automated Commercial Environment		210,000	105,000	+105,000	-105,000
Subtotal		338,400	233,400	+233,400	-105,000
Customs Services at Small Airports (to be derived from fees collected)	2,000	2,000	2,000		
Offsetting receipts	-2,000	-2,000	-2,000		
Total	1,809,915	2,386,141	2,183,593	+373,678	-202,548
Bureau of the Public Debt	177,143	182,901	182,901	+5,758	
Payment of government losses in shipment	1,000	1,000	1,000		
Internal Revenue Service:					
Processing, Assistance, and Management	3,280,250	3,699,499	3,512,232	+231,982	-187,267
Tax Law Enforcement	3,336,838	3,443,859	3,332,676	-4,162	-111,183
Earned Income Tax Credit Compliance Initiative	144,000	145,000	145,000	+1,000	
Information Systems	1,455,401	1,583,565	1,488,090	+32,689	-95,475
Information technology investments		71,751			-71,751
Advance appropriation, FY 2002		422,249			-422,249
Total, FY 2001	8,216,489	8,943,674	8,477,998	+261,509	-465,676
Advance appropriation, FY 2002		422,249			-422,249
United States Secret Service:					
Salaries and Expenses	667,312	824,500	823,800	+156,488	-700
Title II general provisions (P.L. 106-113)	10,000			-10,000	
(By transfer)	(21,000)			(-21,000)	
Contingent emergency supplemental	10,000			-10,000	
Acquisition, Construction, Improvements, & Related Expenses	4,185	5,021	5,021	+836	
Total	691,497	829,521	828,821	+137,324	-700
Total, title I, Department of the Treasury	12,352,437	14,520,692	13,225,949	+873,512	-1,294,743
Current year, FY 2001	12,352,437	14,098,443	13,225,949	+873,512	-872,494
Appropriations	(12,352,437)	(14,043,443)	(13,225,949)	(+873,512)	(-817,494)
Emergency funding		(55,000)			(-55,000)
Rescissions					
Advance appropriations, FY 2002		422,249			-422,249
TITLE II - POSTAL SERVICE					
Payment to the Postal Service Fund	28,620	29,000	29,000	+380	
Advance appropriation, FY 2002	64,436	67,093	67,093	+2,657	
Total	93,056	96,093	96,093	+3,037	
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT					
Compensation of the President and the White House Office:					
Compensation of the President	250	390	390	+140	
Salaries and Expenses	52,243	53,288	52,135	-108	-1,153
Executive Residence at the White House:					
Operating Expenses	9,225	10,900	10,286	+1,061	-614
White House Repair and Restoration	808	5,510	658	-150	-4,852
Special Assistance to the President and the Official Residence of the Vice President:					
Salaries and Expenses	3,609	3,673	3,664	+55	-9
Operating expenses	330	354	354	+24	

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2001 (H.R. 4871)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Council of Economic Advisers	3,825	4,110	3,997	+172	-113
Office of Policy Development	4,017	4,032	4,030	+13	-2
National Security Council	6,970	7,165	7,148	+178	-17
Office of Administration	39,050	43,737	41,185	+2,135	-2,552
Contingent emergency supplemental	8,400			-8,400	
Office of Management and Budget	63,256	68,786	67,143	+3,887	-1,643
Office of National Drug Control Policy:					
Salaries and expenses	22,823	25,400	24,759	+1,936	-641
Title II general provisions (P.L. 106-113)	3,000			-3,000	
Counterdrug Technology Assessment Center	29,052	20,400	29,750	+698	+9,350
Total	54,875	45,800	54,509	-366	+8,709
Federal Drug Control Programs:					
High Intensity Drug Trafficking Areas Program	191,271	192,000	192,000	+729	
Special forfeiture fund	215,297	259,000	219,000	+3,703	-40,000
Unanticipated Needs	996	1,000		-996	-1,000
Elections Commission of the Commonwealth of Puerto Rico		2,500			-2,500
Total, title III, Executive Office of the President and Funds Appropriated to the President	654,422	702,245	656,499	+2,077	-45,746
TITLE IV - INDEPENDENT AGENCIES					
Committee for Purchase from People Who Are Blind or Severely Disabled	2,664	4,158	4,158	+1,494	
Federal Election Commission	38,008	40,500	40,240	+2,232	-260
Federal Labor Relations Authority	23,737	25,058	25,058	+1,321	
General Services Administration:					
Federal Buildings Fund:					
Appropriations	-20,022	681,871		+20,022	-681,871
Advance appropriation, FY 2002-2004		477,484			-477,484
Limitations on availability of revenue:					
Construction and acquisition of facilities	(74,979)	(779,788)		(-74,979)	(-779,788)
Rescission of funds in P.L. 104-208	(-20,782)			(+20,782)	
Repairs and alterations	(598,674)	(721,193)	(490,592)	(-108,082)	(-230,601)
Installment acquisition payments	(205,668)	(185,369)	(185,369)	(-20,299)	
Rental of space	(2,782,186)	(2,944,905)	(2,944,905)	(+162,719)	
Building Operations	(1,580,909)	(1,624,771)	(1,580,909)		(-43,862)
Repayment of Debt	(100,000)	(70,595)	(70,595)	(-29,405)	
Total, Federal Buildings Fund, FY 2001	-20,022	681,871		+20,022	-681,871
(Limitations)	(5,342,416)	(6,326,621)	(5,272,370)	(-70,046)	(-1,054,251)
(Rescission of limitations)	(-20,782)			(+20,782)	
Policy and Operations	116,223	136,980	115,434	-789	-21,546
Contingent emergency supplemental	3,300			-3,300	
Disposal of property		8,000			-8,000
Office of Inspector General	33,317	34,520	34,520	+1,203	
Allowances and Office Staff for Former Presidents	2,241	2,517	2,517	+276	
General provision (P.L. 106-113, Title II)	2,000			-2,000	
Expenses, Presidential transition		7,100			-7,100
Total, General Services Administration, FY 2001	137,059	870,988	152,471	+15,412	-718,517
Advance appropriations, FY 2002-2004		477,484			-477,484
Merit Systems Protection Board:					
Salaries and Expenses	27,481	29,437	28,857	+1,376	-580
Limitation on administrative expenses	2,430	2,430	2,430		
Federal payment to Morris K. Udall scholarship and excellence in national environmental policy foundation	1,992	3,000	2,000	+8	-1,000
Environmental Dispute Resolution Fund	1,245	1,250	1,250	+5	
National Archives and Records Administration:					
Operating expenses	179,674	209,393	195,119	+15,445	-14,274
Reduction of debt	-5,598	-5,598	-5,598		
Repairs and Restoration	22,296	99,560	5,650	-16,646	-93,910
Records Center Revolving Fund	22,000			-22,000	
National Historical Publications and Records Commission: Grants program	6,250	6,000	6,000	-250	
Rescission	-2,000			+2,000	
Total	222,622	309,355	201,171	21,451	-108,184
Office of Government Ethics	9,080	9,684	9,684	+604	
Office of Personnel Management:					
Salaries and Expenses	90,240	100,558	93,471	+3,231	-7,087
Limitation on administrative expenses	95,124	101,986	101,986	+6,862	
Office of Inspector General	956	1,360	1,360	+404	
Limitation on administrative expenses	9,608	9,745	9,745	+137	
Government Payment for Annuitants, Employees Health Benefits	5,105,395	5,427,166	5,427,166	+321,771	
Government Payment for Annuitants, Employee Life Insurance	36,200	35,000	35,000	-1,200	
Payment to Civil Service Retirement and Disability Fund	9,120,558	8,940,051	8,940,051	-180,507	
Total, Office of Personnel Management	14,458,081	14,615,866	14,608,779	+150,698	-7,087

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2001 (H.R. 4871)—Continued
(Amounts in thousands)

	FY 2000 Enacted	FY 2001 Request	Bill	Bill vs. Enacted	Bill vs. Request
Office of Special Counsel	9,703	11,147	10,319	+616	-828
United States Tax Court	35,045	37,439	37,305	+2,260	-134
Total, title IV, Independent Agencies	14,969,147	16,437,796	15,123,722	+154,575	-1,314,074
Current year, FY 2001	14,969,147	15,960,312	15,123,722	+154,575	-836,590
Appropriations	(14,971,147)	(15,960,312)	(15,123,722)	(+152,575)	(-836,590)
Rescissions	(-2,000)			(+2,000)	
Advance appropriations, FY 2002-2004		477,484			-477,484
Grand total	28,069,062	31,756,826	29,102,263	+1,033,201	-2,654,563
Current year, FY 2001	28,004,626	30,790,000	29,035,170	+1,030,544	-1,754,830
Appropriations	(28,006,626)	(30,735,000)	(29,035,170)	(+1,028,544)	(-1,699,830)
Emergency funding		(55,000)			(-55,000)
Rescissions	(-2,000)			(+2,000)	
Advance appropriations, FY 2002-2004	64,436	966,826	67,093	+2,657	-899,733
(Limitations)	(5,342,416)	(6,326,621)	(5,272,370)	(-70,046)	(-1,054,251)
(Rescission of limitations)	(-20,782)			(+20,782)	
Scorekeeping adjustments:					
Bureau of The Public Debt (Permanent)	142,000	145,000	145,000	+3,000	
Federal Reserve Bank reimbursement fund	128,000	131,000	131,000	+3,000	
Limitation on admin expenses adjustment to BA	-1,561			+1,561	
US Mint revolving fund	11,000	14,000	14,000	+3,000	
Sallie Mae	1,000	1,000	1,000		
Federal buildings fund	-119,366	63,000	-309,000	-189,634	-372,000
Advance appropriations:					
Postal service, FY 2000/2001	71,195	64,436	64,436	-6,759	
Postal service, FY 2001/2002	-64,436	-67,093	-67,093	-2,657	
IRS, FY 2002		-422,249			+422,249
GSA, FY 2002-2004		-477,484			+477,484
Conveyance of land to the Columbia Hospital for Women (sec. 410)	-8,000			+8,000	
NOAA retirement provision (sec. 654), FY 1999	5,650			-5,650	
Government-wide early buyout (sec. 651)	30,000			-30,000	
GSA early buyout (sec. 411)	-1,000			+1,000	
FY 1999 supplemental (sec. 654)	-5,650			+5,650	
Across the board cut (0.38%)	-73,000			+73,000	
OMB/CBO adjustment	72,153			-72,153	
OMB/CBO adjustment (mandatory to discretionary)	(-408)			(+408)	
Total, scorekeeping adjustments	187,985	-548,390	-20,657	-208,642	+527,733
Total mandatory and discretionary	28,257,047	31,208,436	29,081,606	+824,559	-2,126,830
Mandatory	14,532,995	14,679,607	14,679,607	+146,612	
Discretionary	13,724,052	16,528,829	14,401,999	+677,947	-2,126,830

Mr. DAVIS of Virginia. Mr. Chairman, I would like to join my colleague, the distinguished Chairman of the Treasury, Postal and General Government Subcommittee, in supporting funding for an Automated U.S. Customs Environment or ACE. The points in favor of prompt, and sufficient, funding for a modern Customs processing system are numerous:

The Customs Service's existing computer system is nearly two decades old and operating at more than 95% capacity. The system can no longer handle either the volume of trade coming through the borders, nor can it adequately collect the $22 billion in tariffs and user fees generated by the record volume of trade we are experiencing.

Despite its critical functions, Customs' present system has been experiencing crashes or ''Brown Outs'' for several years, the most recent occurring only a few weeks ago. These failures put our nation and our economy at risk.

On a typical day, Customs processes over $8.8 billion in exports and imports, 1.3 million passengers and nearly 350,000 vehicles at U.S. ports of entries. Delays in processing this volume of traffic costs the nation untold billions of dollars in lost revenues as just-in-time delivery systems at manufacturing plants across this country are stalled.

Customs has prepared to modernize its old systems for several years, and is now ready to move forward expeditiously. Customs has met all the General Accounting Office's requirements for proceeding with a major information technology procurement. And today, the leading IT companies in the world are poised to help the government transform these old systems and processes, providing needed improvements for the way we bill companies for trade and tariffs and detect illegal contraband.

The business community is clamoring for our support. The presidents of the U.S. Chamber of Commerce, the National Association of Manufacturers, the International Mass Retailers Association, and the Coalition for Customs Automation Funding wrote all of Congress in urging funding of ACE:

''Trade volume is expected to double over the next six years. This will place further pressures on the current system. When you consider the benefits derived by both industry and the government from this system, there is no question that we must fund the development of a 21st century automated customs system.''

The investment will be hefty—approximately $1.5 to $2 billion to fully complete modernization. But that investment will more than repay itself. Failure to modernize could result in untold consequences. I agree with Chairman KOLBE—this investment is vital to protecting our nation's borders. It is vital to ensuring the smooth processing of trade. We need ACE now—not next year.

Chairman KOLBE, I salute your commitment to modernizing our U.S. Customs Environment. As a nation, we must have both the will and the commitment to ensure that this vital government function does not break down.

Mrs. KELLY. Mr. Chairman, I rise today in support of this legislation, which offers $96.1 million for the U.S. Postal Service as part of the Treasury-Postal Appropriations Act, but I do want to mention one area of real concern to the American people. As we consider this, I want to make my colleagues aware of a priority project the Postal Service must undertake—the correction of its ZIP Code to Representative database.

This database is currently relied upon by Members of Congress, their staffs, businesses and thousands of Americans each day as a method of matching districts to Members. Unfortunately, most users are unaware that this product is massively flawed.

A brief inspection of the database revealed errors that affect more than half of the Congressional Districts in the United States. Included in these mistakes, which include ZIP Codes incorrectly split between Members and the complete omission of ZIP Codes in certain districts, are more than 75 errors that defy geography by being shared by two or more Members whose districts are not contiguous. I have found more than 10 errors in my district alone and have urged my colleagues to take a closer look at their jurisdictions and report what they have found. The response has been overwhelming, and the scope of these difficulties is appalling.

On a daily basis, this erroneous product misdirects mail, creates confusion and allows for the accidental violation of federal franking law. Each day citizens wishing to find their Member of Congress are referred to the wrong district, delaying the commencement of casework for those requiring help with a federal agency. Vendors who use the database or products based on the database perpetuate the mistake in the materials they distribute, and Members creating mass mailings inadvertently include addresses that are not in their actual district, violating Congressional Franking Regulations.

In an era of accuracy and responsibility, the correction of this defective product should be made a priority by the United States Postal Service. I ask my colleagues to join me in working to ensure that the Postal Service begin the new fiscal year by making the development of an accurate database a priority and reality.

Ms. STABENOW. Mr. Chairman, I rise today to declare my intention to vote against the Treasury-Postal Appropriations bill for Fiscal Year 2001. I will do so despite supporting the funding levels for gun crime enforcement in the bill. However, I have consistently voted against cost of living increases (COLAs) for Members of Congress and will do so again today. All of us spend a great deal of time working on issues of particular importance to senior citizens. I am especially active on the topic of providing affordable prescription medicines to the elderly, and am committed to protecting and strengthening Social Security and Medicare. In recent years, despite the thriving U.S. economy, the COLA that seniors receive for their Social Security benefits has been too small, as low as 1.3 percent. By comparison, we are preparing to give ourselves a 2.7 percent increase, and I do not think this is appropriate on fair, especially in light of the enormous budget surpluses that are projected over the next decade. Let us take care of our seniors before we take care of ourselves.

Mr. Chairman, I have no further speakers on this side.

Mr. HOYER. Mr. Chairman, I have no additional requests for time, and I yield back the balance of my time.

Mr. KOLBE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that on page 1, line 2, after the comma, the following be inserted: ''That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, namely:''

Mr. Chairman, this vital section was simply left out in preparing the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 4871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $3,813,000, to remain available until September 30, 2002, for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, $149,437,000: *Provided*, That of these amounts $2,900,000 is available for grants to State and local law enforcement groups to help fight money laundering.

DEPARTMENT-WIDE SYSTEMS AND CAPITAL INVESTMENTS PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For development and acquisition of automatic data processing equipment, software, and services for the Department of the Treasury, $41,787,000, to remain available until expended: *Provided*, That these funds shall be transferred to accounts and in amounts as necessary to satisfy the requirements of the Department's offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act: *Provided further*, That none of the funds appropriated shall be used to support or supplement the Internal Revenue Service appropriations for Information Systems.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, not to exceed $2,000,000 for official travel expenses, including hire of passenger motor vehicles; and not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury, $31,940,000.

INSPECTOR GENERAL FOR TAX ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Treasury Inspector General for Tax Administration in carrying out the Inspector General Act of 1978, as amended, including purchase (not to exceed 150 for replacement only for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); services authorized by 5 U.S.C. 3109, at such rates as may be determined by the Inspector General for Tax Administration; not to exceed $6,000,000 for official travel expenses; and not to exceed $500,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General for Tax Administration, $116,427,000.

TREASURY BUILDING AND ANNEX REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Treasury Building and Annex, $31,000,000, to remain available until expended.

EXPANDED ACCESS TO FINANCIAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

For a demonstration project to expand access to financial services for low-income individuals, $2,000,000, to remain available until expended: *Provided*, That of these funds, such sums as may be necessary may be transferred to accounts of the Departments offices, bureaus, and other organizations: *Provided further*, That this transfer authority shall be in addition to any other transfer authority provided in this Act.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal law enforcement personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; and for assistance to Federal law enforcement agencies, with or without reimbursement, $34,694,000, of which not to exceed $2,800,000 shall remain available until September 30, 2003; and of which $2,275,000 shall remain available until September 30, 2002: *Provided*, That funds appropriated in this account may be used to procure personal services contracts.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed 52 for police-type use, without regard to the general purchase price limitation) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $11,500 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109, $93,483,000, of which up to $17,043,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 2003: *Provided*, That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further*, That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further*, That funds appropriated in this account shall be available, at the discretion of the Director, for the following: training United States Postal Service law enforcement personnel and Postal police officers; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation, except that reimbursement may be waived by the Secretary for law enforcement training activities in foreign countries undertaken pursuant to section 801 of the Antiterrorism and Effective Death Penalty Act of 1996, Public Law 104–32; training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; and travel expenses of non-Federal personnel to attend course development meetings and training sponsored by the Center: *Provided further*, That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training sponsored by the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide training for the Gang Resistance Education and Training program to Federal and non-Federal personnel at any facility in partnership with the Bureau of Alcohol, Tobacco and Firearms: *Provided further*, That the Federal Law Enforcement Training Center is authorized to provide short-term medical services for students undergoing training at the Center.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $17,331,000, to remain available until expended.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For expenses necessary to conduct investigations and convict offenders involved in organized crime drug trafficking, including cooperative efforts with State and local law enforcement, as it relates to the Treasury Department law enforcement violations such as money laundering, violent crime, and smuggling, $103,476,000, of which $7,827,000 shall remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $198,736,000, of which not to exceed $10,635,000 shall remain available until September 30, 2003, for information systems modernization initiatives; and of which not to exceed $2,500 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed 812 vehicles for police-type use, of which 650 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where a major investigative assignment requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $20,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; not to exceed $50,000 for cooperative research and development programs for Laboratory Services and Fire Research Center activities; and provision of laboratory assistance to State and local agencies, with or without reimbursement, $731,325,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, supplies, and other similar costs of State and local law enforcement personnel, including sworn officers and support personnel, that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided*, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco and Firearms to other agencies or Departments in fiscal year 2001: *Provided further*, That no funds appropriated

herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of ''Curios or relics'' in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That no funds under this Act may be used to electronically retrieve information gathered pursuant to 18 U.S.C. 923(g)(4) by name or any personal identification code.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase and lease of up to 1,050 motor vehicles of which 550 are for replacement only and of which 1,030 are for police-type use and commercial operations; hire of motor vehicles; contracting with individuals for personal services abroad; not to exceed $40,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service, $1,821,415,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations; not to exceed $4,000,000 shall be available until expended for research; of which not less than $100,000 shall be available to promote public awareness of the child pornography tipline; of which not less than $200,000 shall be available for Project Alert; not to exceed $5,000,000 shall be available until expended for conducting special operations pursuant to 19 U.S.C. 2081; not to exceed $8,000,000 shall be available until expended for the procurement of automation infrastructure items, including hardware, software, and installation; and not to exceed $5,000,000 shall be available until expended for repairs to Customs facilities: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That notwithstanding any other provision of law, the fiscal year aggregate overtime limitation prescribed in subsection 5(c)(1) of the Act of February 13, 1911 (19 U.S.C. 261 and 267) shall be $30,000.

HARBOR MAINTENANCE FEE COLLECTION

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs ''Salaries and Expenses'' account for such purposes.

OPERATION, MAINTENANCE AND PROCUREMENT, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction and demand reduction programs, the operations of which include the following: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts, $125,778,000, which shall remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, department, or office outside of the Department of the Treasury, during fiscal year 2001 without the prior approval of the Committees on Appropriations.

AUTOMATION MODERNIZATION

For expenses not otherwise provided for Customs automated systems, $233,400,000, to remain available until expended, of which $5,400,000 shall be for the International Trade Data System, and not less than $105,000,000 shall be for the development of the Automated Commercial Environment: *Provided*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until the United States Customs Service prepares and submits to the House Committee on Appropriations a final plan for expenditure that (1) meets the capital planning and investment control review requirements established by the Office of Management and Budget, including OMB Circular A–11, part 3; (2) complies with the United States Customs Service's Enterprise Information Systems Architecture; (3) complies with the acquisition rules, requirements, guidelines, and systems acquisition management practices of the Federal Government; (4) is reviewed and approved by the Customs Investment Review Board, the Department of the Treasury, and the Office of Management and Budget; and (5) is reviewed by the General Accounting Office: *Provided further*, That none of the funds appropriated under this heading may be obligated for the Automated Commercial Environment until that final expenditure plan has been approved by the House Committee on Appropriations.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $187,301,000, of which not to exceed $2,500 shall be available for official reception and representation expenses, and of which not to exceed $2,000,000 shall remain available until expended for systems modernization: *Provided*, That the sum appropriated herein from the General Fund for fiscal year 2001 shall be reduced by not more than $4,400,000 as definitive security issue fees and Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 2001 appropriation from the General Fund estimated at $182,901,000, and in addition, $23,600 to be derived from the Oil Spill Liability Trust Fund to reimburse the Bureau for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

INTERNAL REVENUE SERVICE

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service for tax returns processing; revenue accounting; tax law and account assistance to taxpayers by telephone and correspondence; providing an independent taxpayer advocate within the Service; programs to match information returns and tax returns; management services; rent and utilities; and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $3,512,232,000, of which up to $3,950,000 shall be for the Tax Counseling for the Elderly Program, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; providing litigation support; issuing technical rulings; providing top quality service to tax exempt customers; examining employee plans and exempt organizations; conducting criminal investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; compiling statistics of income and conducting compliance research; purchase (for police-type use, not to exceed 850) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,332,676,000 of which not to exceed $1,000,000 shall remain available until September 30, 2003, for research.

EARNED INCOME TAX CREDIT COMPLIANCE INITIATIVE

For funding essential earned income tax credit compliance and error reduction initiatives pursuant to section 5702 of the Balanced Budget Act of 1997 (Public Law 105–33), $145,000,000, of which not to exceed $10,000,000 may be used to reimburse the Social Security Administration for the costs of implementing section 1090 of the Taxpayer Relief Act of 1997.

INFORMATION SYSTEMS

For necessary expenses of the Internal Revenue Service for information systems and telecommunications support, including developmental information systems and operational information systems; the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,488,090,000 which shall remain available until September 30, 2002.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SEC. 101. Not to exceed 5 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the Committees on Appropriations.

SEC. 102. The Internal Revenue Service shall maintain a training program to ensure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

SEC. 103. The Internal Revenue Service shall institute and enforce policies and procedures that will safeguard the confidentiality of taxpayer information.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase of not to exceed 844 vehicles for police-type use, of which 541 shall be for replacement only, and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act if approval is obtained in advance from the Committees on Appropriations; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $25,000 for official reception and representation expenses; not to exceed $100,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year, $823,800,000, of which $3,633,000 shall be available as a grant for activities related to the investigations of exploited children and shall remain available until expended: *Provided*, That up to $18,000,000 provided for protective travel shall remain available until September 30, 2002.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For necessary expenses of construction, repair, alteration, and improvement of facilities, $5,021,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SEC. 110. Any obligation or expenditure by the Secretary of the Treasury in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 2001, shall be made in compliance with reprogramming guidelines.

SEC. 111. Appropriations to the Department of the Treasury in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitations for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 112. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 2001 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

SEC. 113. Not to exceed 2 percent of any appropriations in this Act made available to the Federal Law Enforcement Training Center, Financial Crimes Enforcement Network, Bureau of Alcohol, Tobacco and Firearms, United States Customs Service, and United States Secret Service may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 114. Not to exceed 2 percent of any appropriations in this Act made available to the Departmental Offices, Office of Inspector General, Treasury Inspector General for Tax Administration, Financial Management Service, and Bureau of the Public Debt, may be transferred between such appropriations upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 115. Not to exceed 2 percent of any appropriation made available in this Act to the Internal Revenue Service may be transferred to the Treasury Inspector General for Tax Administration's appropriation upon the advance approval of the Committees on Appropriations. No transfer may increase or decrease any such appropriation by more than 2 percent.

SEC. 116. Of the funds available for the purchase of law enforcement vehicles, no funds may be obligated until the Secretary of the Treasury certifies that the purchase by the respective Treasury bureau is consistent with Departmental vehicle management principles: *Provided*, That the Secretary may delegate this authority to the Assistant Secretary for Management.

SEC. 117. None of the funds appropriated in this Act or otherwise available to the Department of the Treasury or the Bureau of Engraving and Printing may be used to redesign the $1 Federal Reserve note.

SEC. 118. Section 5547(c) of title 5, United States Code is amended by adding the following paragraph:

''(3) Notwithstanding the provisions of paragraph (2), premium pay for protective services authorized by section 3056(a) of title 18, United States Code, may be paid without regard to the biweekly limitation on premium pay except that such premium pay shall not be payable to an employee to the extent that the aggregate of the employee's basic and premium pay for the year would otherwise exceed the annual equivalent of that limitation. The term premium pay refers to pay authorized by sections 5542, 5545 (a), (b), and (c), and 5546 (a) and (b) of this title. Pay authorized by section 5545a of this title will be treated as basic pay for the purpose of this paragraph to the extent that it does not cause an employee's biweekly pay to exceed the limitation in paragraph (2). Payment of additional premium pay payable under this section may be made in a lump sum on the last payday of the calendar year.''.

SEC. 119. The Secretary of the Treasury may transfer funds from ''Salaries and Expenses,'' Financial Management Service, to the Debt Services Account as necessary to cover the costs of debt collection: *Provided*, That such amounts shall be reimbursed to such Salaries and Expenses account from debt collections received in the Debt Services Account.

SEC. 120. Notwithstanding any other provision of law, no reorganization of the field operations of the U.S. Customs Service Office of Field Operations shall result in a reduction in service to the area served by the Port of Racine, Wisconsin, below the level of service provided in fiscal year 2000.

SEC. 121. Notwithstanding any other provision of law, the Bureau of Alcohol, Tobacco and Firearms shall reimburse the subcontractor that provided services in 1993 and 1994 pursuant to Bureau of Alcohol, Tobacco and Firearms contract number TATF 93–3 from amounts appropriated for fiscal year 2001 or unobligated balances from prior fiscal years, and such reimbursement shall cover the cost of all professional services rendered, plus interest calculated in accordance with the Contract Dispute Act of 1978 (41 U.S.C. 601 et seq.)

SEC. 122. (a) No funds appropriated to the Department of the Treasury in this or any Act for the establishment and operation of a new law enforcement training facility may be obligated or expended until an assessment of the need for, and cost-effectiveness of, such facility has been carried out by the Comptroller General of the U.S. General Accounting Office, submitted to the Committees on Appropriations, and the establishment of said facility has been approved by the House and Senate Appropriations Committees.

(b) This assessment shall include, but not be limited to:

(1) An analysis of the Department of the Treasury's master plan for the proposed facility;

(2) Projected law enforcement training workloads at the new facility and existing Treasury facilities;

(3) Training requirements for the U.S. Customs Service and other law enforcement agencies;

(4) Federal law enforcement training facility assets currently available and proposed in the Federal Law Enforcement Training Center (FLETC) master plan;

(5) The total estimated cost associated with the design, construction, and establishment of the proposed facility;

(6) Projected annual operating costs for the proposed facility;

(7) Projected costs associated with establishment of a new law enforcement training center, including environmental impact statements, environmental remediation, utilities and other infrastructure; and

(8) Cost savings and benefits of in-service training at the proposed facility compared to using existing or modified facilities.

This title may be cited as the ''Treasury Department Appropriations Act, 2001''.

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title I be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. Are there amendments to title I?

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlewoman from New York (Ms.

VELÁZQUEZ) for the purpose of entering into a colloquy before the amendment is offered.

Ms. VELÁZQUEZ. Mr. Chairman, I rise for the purpose of entering into a colloquy with the gentleman from Arizona (Chairman KOLBE) and the gentleman from Maryland (Mr. HOYER), the ranking member.

First of all, I would like to thank the gentleman from Arizona (Chairman KOLBE) and the gentleman from Maryland (Mr. HOYER), the ranking member, for the increased funding included in this bill for the State and local money laundering grant program. Although it is a small increase, we are headed in the right direction.

I would like to ask the gentleman from Arizona (Mr. KOLBE) and the gentleman from Maryland (Mr. HOYER) if they will make a commitment to me to seek as much funding as possible for this program in conference, and, should there be a reallocation of funds during conference, that they will work to increase funding for this program.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank the gentleman from Maryland (Mr. HOYER) for yielding to me and the gentlewoman from New York (Ms. VELÁZQUEZ) for her remarks. I would concur with her, this is an important and a useful program. I would be happy to work with the gentleman from Maryland (Mr. HOYER), the ranking minority member, and the Senate to seek funding for this effort in the conference.

Mr. HOYER. Reclaiming my time, Mr. Chairman, I say to the gentlewoman from New York (Ms. VELÁZQUEZ), I understand the importance of county money laundering efforts at the State and local level, and the role the grant program plays in those efforts.

As the gentlewoman knows, I supported her amendment on the House floor last year that provided the initial funding for this program, and she has, and will have, my continued support.

I share her concerns about this particular report language, and I will work with her to make sure it gets corrected in the conference report.

Mr. Chairman, I yield to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELAZQUEZ. Mr. Chairman, second, I want to express my concern over language included in the report accompanying the Treasury-Postal appropriations bill. On page 12 of the report, in the section explaining the committee's recommendations for funding the grant program, the committee has included language about the National Money Laundering Strategy and the grant program that I find troubling.

The committee's concerns about adequate program oversight are laudable; however, some of the language used in the report mischaracterizes the intent of the national strategy, the grant program and the authorizing legislation.

Some of the language in this section of the report could be interpreted as calling into question the appropriateness of the grant program for State and local law enforcement officials to combat money laundering. The committee expresses concern that the strategy will focus the fight against money laundering solely in local geographic areas.

I want to respond to that concern and explain the intent of my 1998 legislation and the grant program. Currently, counter-money laundering funding is concentrated at the Federal level. The intent of the authorizing legislation in question, the Money Laundering and Financial Crimes Strategy Act of 1998, is to foster cooperation between State, local, and Federal law enforcement officials.

The purpose of the national strategy required by the law is to focus on corporation and information sharing between the Federal, State, and local law enforcement agencies. This cooperation and sharing of information is an integral part of tracing the funds from illegal activities back to the source; that is why, in order for a State and local law enforcement agency to receive a grant under the program, they must demonstrate how they will enter into a working relationship with both Federal law enforcement agencies and other State and locals to combat money laundering and drug trafficking.

Quite the opposite of focusing money solely at the local level, the intent of this legislation is to make small grants available to State and local law enforcement agencies who have a demonstrated need and an acceptable plan.

Federal law enforcement agents cannot fight money laundering and drug trafficking without the cooperation of the State and local law enforcement officials who are on the streets and know the local players. By the same token, the State and local law enforcement officials can benefit greatly from resources and experience of the Federal agents.

By seeming to encourage a focus only on the Federal level, the language in the report represents their way of thinking about counter-money laundering activities. Mr. Chairman, if the conference committee does not address this issue, we may be taking a giant step backwards in our fight against money laundering and drug trafficking.

Furthermore, I would like a commitment from the gentleman from Arizona (Chairman KOLBE) and the gentleman from Maryland (Mr. HOYER), the ranking member, that they will work with me and my staff to draft language that addresses the committee's concerns about the program's oversight without mischaracterizing the intent of the national strategy and the State and local grant program.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank the gentleman from Maryland for yielding to me, and I thank the gentlewoman from New York (Ms. VELÁZQUEZ) for raising these, again, very important issues. It certainly was not the intention of the subcommittee to question the usefulness or the importance of State and local grants that help to combat money laundering.

We recognize that money laundering is a significant problem and that State and local officials are critical in our efforts to combat this problem.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

(On request of Mr. KOLBE, and by unanimous consent, Mr. HOYER was allowed to proceed for 2 additional minutes.)

Mr. HOYER. I yield to the gentleman from Arizona.

Mr. KOLBE. I am committed to working with the gentlewoman from New York (Ms. VELÁZQUEZ) to make sure that this program is adequately funded and receives the necessary oversight.

Mr. HOYER. Reclaiming my time, Mr. Chairman, I will assure the gentlewoman that I will work with her as well and with the gentleman from Arizona (Chairman KOLBE) on this issue and want to congratulate her for her leadership and continued careful attention so that this program is carried out as effectively as it possibly can be. I thank the gentlewoman for her contribution.

AMENDMENT NO. 3 OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. KUCINICH:

In the item relating to ''DEPARTMENT OF THE TREASURY—DEPARTMENTAL OFFICES—SALARIES AND EXPENSES'', insert before the period at the end the following: '': *Provided*, That of the amounts made available under this heading, $500,000 shall be for preparing a report to the Congress on the contents of agreements between the International Monetary Fund and debtor countries and the World Bank and debtor countries: *Provided further*, That in preparing such report, the Secretary of the Treasury shall report all provisions of those agreements that require countries to privatize state-owned enterprises and public services; lower barriers to imports, including basic food products; privatize their public pension or social security systems; raise bank interest rates; eliminate regulations on the environment and natural resources; and reform their labor laws and regulations, including legal minimum wages, benefits, and the right to strike''.

Mr. KUCINICH. Mr. Chairman, I offer an amendment to direct the Department of Treasury to report to Congress on the IMF and World Bank's international advocacy of privatization, deregulation, and trade liberalization. Policies such as privatizing government services, reforming bank laws, and reforming labor standards are debated here in the United States, in Congress, and in State legislatures. There is no consensus on whether and in what measure these policies are good for the U.S. economy. Good arguments can be made on both sides.

I believe that the evidence shows that rapid privatization, deregulation, and trade liberalization when applied to poor countries, have worsened short-term poverty, aggravate economic instability and increased indebtedness. At the appropriate time, I would like to submit for the RECORD reports by the Development Group for Alternative Policies, Friends of the Earth and the Preamble Center which make this point.

Mr. Chairman, but one does not have to agree with me to want the report that I propose. There is no question that the IMF and World Bank are important institutions that have considerable influence, particularly among developing countries.

When those countries seek loans or relief from payment on their debts, they enter into agreements with the IMF and the World Bank in which they pledge to make changes in their economies that the IMF and the World Bank desires.

Every Member of Congress would appreciate knowing the extent to which the IMF and World Bank use that influence, that leverage, to push debtor countries towards privatization, deregulation and trade liberalization.

One way of obtaining this information is through the agreements and documents exchanged between the debtor countries and the IMF and the World Bank. My amendment would direct the Secretary of Treasury to produce a report to Congress on the contents of agreements and documents between the IMF and the debtor countries and the World Bank and the debtor countries. In preparing the report, the Secretary would report all provisions of those agreements and documents that require countries to privatize State-owned enterprises and public services; lower barriers to imports including basic food products; privatize their public pension or Social Security systems; raise bank interest rates; reform regulations on the environment and national resources; and reform their labor laws and regulations, including legal minimum wages, benefits and the right to strike.

While the objection could be raised that information sought in this request is available in thousands of pages of documents on the Web and elsewhere, there is no easy, centralized location where this information can be found. The government routinely compiles information so that citizenry and Congress can get a better grasp.

All sides of the many debates we have had in this House regarding trade and economic policy would benefit from having an accurate and centralized accounting of such requirements.

Mr. Chairman, I would be pleased to withdraw this amendment and would hope to work with the gentleman from Arizona (Chairman KOLBE) to obtain a report from the Secretary of the Treasury.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, listening to the remarks of the gentleman from Ohio (Mr. KUCINICH), I would just say that I think that the information that the gentleman seeks from Treasury about these loans would be useful information to Congress. And if the gentleman does agree to withdraw his amendment, I will certainly work with him to find language that is mutually acceptable to us, that we could include in the conference report requiring such a study to get this information.

Mr. KUCINICH. Reclaiming my time, Mr. Chairman, I want to express my appreciation to the gentleman from Arizona (Chairman KOLBE), and I certainly will, at the appropriate time, withdraw the amendment.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his comments and his intensive observations. I agree with the gentleman from Arizona (Chairman KOLBE), and I certainly look forward to working with the gentleman from Ohio (Mr. KUCINICH) who has been, I think, one of the most tenacious and thoughtful voices on issues like this, and I certainly want to make sure that we do have information that is accurate and full so that we can understand exactly what is going on.

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Quite obviously, as the gentleman knows, there have been issues raised and we will work with him and with the administration to see if they can be resolved.

Mr. Chairman, I would include for the RECORD a Survey of the Impacts of IMF Structural Adjustment in Africa.

A SURVEY OF THE IMPACTS OF IMF STRUCTURAL ADJUSTMENT IN AFRICA: GROWTH, SOCIAL SPENDING, AND DEBT RELIEF—APRIL 1999

(By Robert Naiman and Neil Watkins)

EXECUTIVE SUMMARY

The role of the International Monetary Fund (IMF) in managing the economies of developing countries has come under increasing criticism in the last two years, especially since the Asian financial crisis.

Presently, increasing calls for international debt cancellation and debates over United States economic policy in Africa have focused attention on the IMF's policies in Africa, home of many of the world's poorest and most indebted countries. Several initiatives currently being considered by Congress would have the effect of reducing the role of the IMF in Africa, while others would continue and even increase its role.

This paper relies largely on the IMF's own data to consider the results of the IMF's intervention in the economies of sub-Saharan Africa. We examine the record of countries that have participated in the IMF's Enhanced Structural Adjustment Facility (ESAF), the IMF's concessional lending facility for the least developed countries.

Among this report's main findings:

Developing countries worldwide implementing ESAF programs have experienced lower economic growth than those who have been outside of these programs. African countries subject to ESAF programs have fared even worse than other countries pursuing ESAF programs; countries in Africa subject to ESAF programs have actually seen their per capita incomes decline. It will be years before these populations recover the per capita incomes that they had prior to structural adjustment.

While African countries urgently need to increase spending on health care, education, and sanitation, IMF structural adjustment programs have forced these countries to reduce such spending. In African countries with ESAF programs, the average amount of government spending on education actually declined between 1986 and 1996.

Neither IMF-mandated macroeconomic policies nor debt relief under the IMF-sponsored HIPC (Heavily Indebted Poor Countries) Initiative have reduced these countries' debt burdens. Total external debt as a share of GNP for ESAF countries increased from 71.1% to 87.8% between 1985–1995. For sub-Saharan Africa debt rose as a share of GDP from 58% in 1988 to 70% in 1996. IMF debt relief has not significantly reduced the debt service burden of Uganda or Mozambique, two of the three African HIPC countries that have proceeded furthest under the HIPC initiative. Poor countries continue to divert resources from expenditures on health care and education in order to serve external debt.

In light of this track record, it appears that efforts to increases economic growth, increase access to health care and education, and reduce the burden of debt repayment are likely to fail so long as the IMF remains in control of the economic policies of countries in sub-Saharan Africa. Efforts to reduce Africa's debt burden should be coupled with efforts to reduce the role of the IMF. Debt cancellation or relief should not be conditioned on compliance with the IMF's structural adjustment programs or policies.

COUNTRY EXPERIENCES WITH IMF STRUCTURAL ADJUSTMENT

The External Review examined the experiences of five African countries under IMF adjustment. Below, we take a closer look at three of these countries—Zimbabwe, Cote d'Ivoire, and Uganda. We also briefly consider the experience of Mozambique—a country not examined in the External Review—under the IMF/World Bank HIPC Initiative.

1. Zimbabwe

During the 1980s, Zimbabwe's economy grew briskly: real growth averaged about 4%

per year. During the early and mid-part of the decade, Zimbabwe's exports were diversified and became increasingly oriented toward manufacturing; debts were regularly repaid without the need for rescheduling; a reasonable degree of food security was attained; and the provision of educational and health services was dramatically expanded (due to major increases in government spending on social services). As a result of increased government spending on health care provision in particular, health indicators showed dramatic improvement during the 1980s: the infant mortality rate declined from 100 per 1,000 live births to 50 between 1980 and 1988; life expectancy increased from 56 to 64 years (External Review, p. 179). Primary school enrollment doubled over the decade.

The External Review team summarized the achievements of the 1980s: ''The core of the government's redistributive agenda was through (sic) increased public expenditures on education, health, and public sector employment. During the 1980s, much was achieved both in terms of an expansion of these expenditures and in terms of measurable indicators of performance'' (p. 172).

Though it had entered agreements with the World Bank in the late 1980s, Zimbabwe began structural adjustment in earnest in 1991 when it signed a stand-by arrangement with the IMF in exchange for a $484 million loan. Unlike many of the countries that undertake IMF adjustment programs, Zimbabwe did not institute structural adjustment in response to a ''crisis,'' but rather in an effort to ''jump start economic growth.''

Among the policy changes required by the IMF in exchange for the loan were cuts in Zimbabwe's fiscal deficit, tax rate reductions, and the deregulation of financial markets. The arrangement also required Zimbabwe to dismantle protections for the manufacturing sector and ''deregulate'' the labor market, lowering the minimum wage and eliminating certain guarantees of employment security (External Review, p. 173–176).

Impact on the economy

IMF policies which mandated the removal of protections for the manufacturing sector, trade liberalization, and reduced government spending combined with the effects of a severe drought on agricultural production to send the Zimbabwe economy into recession in 1992—real GDP fell by nearly 8% that year. In Zimbabwe, economic crisis actually followed rather than preceded the implementation of structural adjustment.

Among the indicators of economic performance that declined over the period of adjustment:

Between 1991–96, manufacturing output contracted 14%;

Real GDP per capita declined by 5.8% from 1991–1996;

Real GDP fell by about 1% between 1991 and 1995. (A January 1992 IMF staff report predicted 18% GDP growth over the same period);

Nominal and real interest rates were high and volatile throughout the period, with nominal rates often exceeding 40%. The result of high real interest rates was to reduce private domestic investment.

Total private investment declined by 9% in real terms between 1991–96 (External Review, p. 172–175).

Furthermore, private per capita consumption fell by 37% between 1991–1996. As the External Review concluded, ''This alone transformed the group of those who lost from the reforms from a minority to a majority'' (p. 177).

The combination of reduced protection of the manufacturing sector, the reduction in public spending, and labor market deregulation led to higher unemployment and lower real wages. Between 1991–96, formal sector employment in manufacturing fell 9% and real wages declined by 26%. Meanwhile, food prices rose much faster than other consumer prices; this disproportionately affected the rural poor, who spend a larger share of their income on food (External Review, p. 180, 182).

Impact on health and education spending

In order to meet the IMF's fiscal targets in the 1991 ESAF program, the government had to reduce non-interest expenditures by 46%. The External Review describes this requirement as a ''draconian reduction'' and found it unsurprising that Zimbabwe never met the fiscal target. Though Zimbabwe never met the IMF target, between 1990/91–1995/96, spending on health care declined as a share of the budget from 6.4% to 4.3%, and as a share of GDP from 3.1% to 2.1% (External Review, p. 178). The IMF's prescriptions for fiscal adjustment included reductions in the real wages of public health sector workers. As a result of the wage cuts, many doctors moved to the private health sector, and the quality of public health care dropped. As health care became less a public service and more a function of the private sector, health services became less accessible to the poor. Because non-wage health spending fell dramatically as well, shortages of prescription drugs became commonplace (External Review, p. 178).

Compared to the previous era in which health care services were made more widely available to all Zimbabweans through increased government spending, the era of IMF adjustment was characterized by decreased access to health services. This trend was reflected in the deterioration of health indicators. For example, between 1988 and 1994, wasting (a phenomenon linked to AIDS) in children quadrupled and maternal mortality rates appear to have increased. And after many years of decline, the number of cases of tuberculosis began to rise in 1986 and by 1995 had quadrupled (External Review, p. 178–179).

The decline in government health care spending occurred during a period of increasing need by the population for more access to health care. AIDS was spreading rapidly in Zimbabwe. Given the present cost of treating AIDS patients, the World Bank predicted that the total cost of treating Zimbabwean citizens already infected with AIDS was four times the entire 1996 government health budget. The IMF's fiscal targets meant that the government was unable to respond to growing health needs of the population effectively. The External Review concluded that access to health care fell under adjustment, compared to the pre-IMF era: ''There is no doubt that the previous trend of improving health outcomes was reversed during the period of the reform program'' (p. 179).

Expenditure on education also fell sharply under IMF adjustment. Real per capita expenditure on primary and secondary education declined by 36% and 25% respectively between 1990/91 and 1993/94. As in the health sector, wages for teachers and educational staff fell by between 26% and 43% between 1990 and 1993.

Impact on external indebtedness

The External review team analyzed Zimbabwe's external viability (i.e., their debt burden). The results show that on the basis of nearly every generally accepted indicator of a country's debt burden, Zimbabwe became significantly more indebted during the period of adjustment. But Zimbabwe still does not qualify for the IMF/World Bank HIPC initiative.

On April 11, 1999, the Associated Press reported that Zimbabwe had ''severed ties with the International Monetary Fund and the World Bank,'' saying that they had ''made 'unrealistic demands' '' as a requirement for releasing funds. A day later the Zimbabwean Finance Ministry denied the report, ''in a bid to reassure markets.'' The Wall Street Journal noted that ''Other donors have indicated they would take their cue from the IMF on whether to release additional financial support,'' again indicating the tremendous power which the IMF wields as a result of the fact that other creditors and donors follow its lead.

2. Cote d'Ivoire

Cote d'Ivoire experienced a long period of growth following its independence in 1960, with much of its growth attributable to agricultural exports. Economic decline ensued in the early 1980s as world prices for coffee and cocoa, two of Cote d'Ivoire's main exports, fell. After a brief restoration in growth by 1985, the economic decline resumed in the late 1980s (External Review, 95).

The IMF became involved in Cote d'Ivoire in November 1989, when it reached a stand-by arrangement with the government, which was followed by another agreement in 1991. Following the initial stand-by arrangements with the IMF, there were six World Bank Structural Adjustment Loans from 1989–1993. Then, beginning in 1994, Cote d'Ivoire entered into an ESAF program with the IMF.

Over the first period of adjustment, from 1989–1993, IMF fiscal adjustment requirements were introduced in an effort to reduce the government budget deficit. These included substantial reductions in current government expenditures (−30%) and capital expenditures (−15%), in addition to tax increases. Structural reforms also began during this period, including privatizations and some financial reforms.

The objectives of the next phase (from 1994–1997), under the ESAF program, were threefold:

To generate a primary budget surplus of 3% of GDP, ''in order to finance debt service'' (External review, p. 97);

To attain GDP growth of 5% by 1995; and

To ''protect the most vulnerable during adjustment.''

In order to reach the budget surplus target, the IMF required labor market deregulation, price decontrol, trade reform, reductions in civil service employment, and faster privatization (External review, p. 97). The IMF also advocated devaluation of Cote d'Ivoire's currency, the Franc CFA, which occurred in January 1994.

Impact on the economy

From 1989–1993, per capita GDP fell by 15%, pushed along by the overvaluation of the exchange rate and deterioration in the terms of trade (External Review, p. 95–96). The social impact of IMF structural adjustment on Cote d'Ivoire was severe. Between 1988–1995, the incidence and intensity of poverty doubled, with the number of people making under $1/day increasing from 17.8% of the population to 36.8%. In Abidjan, the rate of urban poverty rose from 5% to 20% between 1993 and 1995 (External Review, p. 101).

Impact on Health and Education Spending

Between 1990 and 1995, real per capita spending on health care fell slightly and education spending fell dramatically (External

Review, p. 101, 105). During the period of IMF structural adjustment (1990–1995), real per capita public spending on education declined by more than 35 percent. Moreover, reductions in the wages of civil servants required by the IMF also led to a reduction in teachers salaries (external review, p. 103). The Review points out that lower wages probably lowered teachers' motivation, and educational quality may have suffered as a result. Despite an improvement in gross enrollment in primary schools over the period 1986–1995, educational indicators overall showed poor results. By 1995, only 45% of girls from the poorest quintile of households were receiving primary education. At the secondary level, the gross enrollment rate declined from 34% to 31% between 1986–1995 (External Review, p. 104).

As part of the policy reforms required by the Fund, user fees were introduced into the public health care system in 1991. The devaluation of the franc CFA made it especially difficult for the urban poor to pay for health care services, and as a result there was a shift towards traditional medicine. Many health problems worsened. For example, the incidence of stunted growth in children increased from 20% in 1988 to 35% in 1995. As access became more expensive, health issues became a more pressing concern. A survey by UNICEF and the Government of Cote d'Ivoire found that when women were asked to identify their problems, health ranked first (External Review, p.103).

The team of external reviewers concluded that in Cote d'Ivoire, ''The required reductions in public expenditures were imposed on a system which was already failing to meet basic social needs.''

Debt burden

In the first two years of adjustment alone (from the end of 1989 to the end of 1991), Cote d'Ivoire's external debt burden grew by $3.7 billion (or from 141% to 175% of GDP). In its analysis of external viability, the External Review found that Cote d'Ivoire's external debt burden increased from 132.4% to 210.8% of GDP. Before ESAF, its debt stock to export ratio was 452.8%; following ESAF, it had risen to 545.4% (External Review, p. 190).

Although Cote d'Ivoire has completed the required three consecutive years of structural adjustment to reach its ''decision point'' for eligibility under the IMF/WorldBani HIPC Initiative, it will not reach the ''completion point'' (of actually receiving debt relief) until March 2001, assuming it does not go off track from the adjustment program. Although the country has an urgent need for increased government spending on health care and education, it is unlikely that this could happen under the terms of structural adjustment.

3. Uganda

When President Yoweri Museveni came to power in Uganda in 1986, his government faced the challenge of rebuilding an economy devastated by the dictatorships of Idi Amin and Milton Obote. Between 1971 and 1986, the Ugandan economy had deteriorated in per capita terms. But in the ten years that followed (between 1986–1996), per capita GDP grew by roughly 40%.

The IMF first became involved in Uganda in 1987, with a loan through its Structural Adjustment Facility (SAF), and it later extended its mission under the ESAF program from 1989–1992 and again from 1992–1997. Real per capita GDP growth averaged 4.2% in Uganda between 1992–1997, and as a result, the IMF often presents Uganda as an example of the success of its structural adjustment policies.

As noted in the External Review, part of this rapid growth can be explained by the terrible decline of preceding years. But it is also worth looking at how various sectors of the population fared under the growth that coincided with structural adjustment in Uganda

Two principal reforms mandated by the IMF arrangements were trade liberalization and the progressive reduction of export taxation. But as the external review points out, ''Liberalization of cash crops had only limited beneficiaries.'' This was the case because only a small number of rural households grow coffee. Liberalization had little impact on rural incomes over the period of adjustment—rural per capita private incomes increased just 4% over the period from 1988/89 to 1994/95.

The IMF also mandated the privatization of state-owned industries, a process that has met particularly criticism in Uganda. The Structural Adjustment Participatory Review International Network (SAPRIN), which was launched jointly with the World Bank, national governments, and Northern and Southern NGOs in 1997, has reported that the privatization process in Uganda has gone too fast and has been flawed from the start. A report by Ugandan NGOs who participated in SAPRIN found that ''The privatization process in Uganda has benefitted the government and corporate interests more than the Ugandan people . . . The privatization process was rushed, and as a result, workers suffered. Some 350,000 people were retrenched and, with the private sector not expanding fast enough, unemployment sharply increased. Those laid off were not prepared for life in the private sector, with no training being provided.''

During the period of IMF structural adjustment, public spending on health care increased as government spending rose overall. However, health care spending did not rise as a share of the recurrent budget, and its share was slightly lower in 1994 than it had been in 1989. Government spending grew over the period but from a very low stating level at the beginning of Museveni's term: in 1986, government expenditure represented just 9% of GDP. At the same time prices of health care services rose much faster than inflation. This was caused in part by the large depreciation of the exchange rate from 1988–1991, which raised the cost of imported inputs in the health sector. As a result, a given level of public health spending bought fewer health services. Real per capita output in health care was lower in each of the years from 1992–1994 than it had been in 1989. (External Review, p. 139–141).

The SAPRIN review of Uganda's experience with adjustment found that ''cost-sharing,'' where patients are expected to pay for a portion of their health care or education, has led to less access for the poor to health care and public education. The policy of cost-sharing was introduced by the Ugandan government in response to IMF fiscal requirements and high debt service payments, which have made it difficult for the government to channel funds into payments for health care and public education. The NGOs in SAPRIN report that:

''It [higher costs] has made hospitals and institutes of higher education too costly for the poor. People testified that those who cannot pay for critical health care simply die. Cost-sharing is also poorly administered in the hospitals, and it was pointed out that in areas where people have been unable to pay, the local hospital has simply been closed down. Citizen representatives reported that in villages where the people themselves decide on how much to pay, access to care is much better, so it is best to scrap cost-sharing, which does not benefit the poor.''

Despite some limited progress in the area of health service provision during the era of adjustment, general health indicators have not improved. In particular, the proportion of children who are malnourished has not declined. As the external review observes, ''This is consistent with the evidence on rural incomes which, as we have seen, suggests little change'' (p. 139). Since rural incomes did not rise in tandem with increasing health care costs, the rural poor have not been able to share in increased access to health service provision.

Moreover, a declining share of the recurrent budget has been spent on education over the adjustment period, and this led to an overall reduction (over the period 1987 to 1996) in the provision of educational services per capita. (External Review, p. 140–141).

Debt burden

The IMF and World Bank often present Uganda as an example of the success of its HIPC (Heavily Indebted Poor Country) debt initiative. Uganda was the first country to receive debt relief under the IMF/World Bank HIPC Initiative in April 1998, when roughly $650 million of its multilateral debt stock was forgiven.

However, the process has, first of all, been plagued by several delays. Uganda was originally scheduled to receive debt relief in April 1997, but this was pushed back one year. This delay occurred despite the fact that Uganda had been following structural adjustment programs for nearly a decade. According to Ugandan government projections, the cost of the one year delay was $193 million in lost relief. This amount is more than double the projected spending on education or six times total government spending on health in that year. With the delay, public funds were diverted from priority health care services into debt repayments.

Moreover, less than one year after receiving relief, Uganda's debt burden has once again become unsustainable according to HIPC criteria. This is mainly because of an overestimation by the World Bank/IMF of revenues Uganda would receive from coffee exports and from trade with the former Zaire, whose economy has recently gone into decline. The United Kingdom's Secretary of State for International Development, Clare Short, confirmed this is a statement before the British House of Commons, noting that, ''the review of Uganda, which has just received debt relief, was very disappointing. As a result of the fall in world coffee prices, it is just as badly off as it was in the first place.'' Uganda's return to an unsustainable debt service burden illustrates the problem with IMF and World Bank projections of export earnings that do not materialize, even over a period of less than a year. It also shows that the debt burdens set by HIPC as ''sustainable'' are much too high, and that much deeper debt relief—preferably cancellation—will be necessary to set these countries on a sustainable growth path.

CASE STUDY: MOZAMBIQUE AND DEBT RELIEF

Unlike the other countries examined in this study, Mozambique's experience with the IMF's structural adjustment was not examined in the External Review of the impact of ESAF programs. But Mozambique is one of just three African countries (the others

are Uganda and Cote d'Ivoire) that have reached the final stage under the World Bank/IMF Highly Indebted Poor Countries (HIPC) Initiative. It is therefore worth examining how Mozambique has fared under this initiative, including the required conditions of structural adjustment.

Mozambique is one of the poorest countries in the world, if not the poorest. According to the United Nations Development Program (UNDP) and UNICEF, only 37% of the population has access to clean water; 39% has access to health services; and just 23% of women can read and write.

Following a decade of war supported by external powers, Mozambique began a modified form of World Bank structural adjustment in 1987, and in 1990 it entered into an IMF directed ''stabilization program'' under ESAF. Two of the main components of the IMF stabilization program were fiscal adjustment (cuts in government spending) and cuts in credit to the economy (through policies such as higher interest rates). As part of the fiscal adjustment process, government salaries fell. For example, a doctor on the government payroll earned $350/month in 1991, $175/month in 1993, and by 1996, took in less than $100/month. For nurses and teachers, monthly salaries fell from $110/month to $60 or $40—levels at which it is impossible to support a family.

The IMF's primary aim in Mozambique was to contain inflation; the Fund argued that broad post-war reconstruction efforts should be scaled back on the grounds that such actions could be inflationary. While the IMF focused on stabilization policies, World Bank adjustment simultaneously mandated privatization as well as trade and investment liberalization.

Mozambique and the HIPC initiative

In a press release issued on April 7, 1998, the IMF announced that, along with other creditors, it had agreed to ''provide exceptional support amounting to nearly US$3 billion in nominal terms in debt-service relief for Mozambique,'' claiming that this would ''reduce the external debt burden, free budgetary resources and allow Mozambique to broaden the scope of its development effort.''

While $3 billion may seem like substantial debt relief for a country as poor as Mozambique, it does not necessarily make a significant dent in the country's debt service burden. Since countries like Mozambique owe far more in external debt than they have the capacity to pay, it is quite possible to reduce their outstanding debt stock considerably, without any commensurate reduction in the net drain of resources out of the country. This happens when creditors cancel that part of the debt that was not being serviced previously. Therefore, in order to know whether poor countries—and poor people in those countries—actually benefit from IMF/World Bank debt relief, it is necessary to know what the impact of this debt reliefs is on the actual debt service paid by these countries.

In response to criticism from non-governmental organizations, in May the IMF released estimates for these numbers. According to the IMF's own projections, the actual debt service paid by Mozambique will be as high or higher in each of the years from 2000–2003 as it was in 1997. Even after IMF debt relief, the government will be paying roughly as much in debt service as it is spending on health care and education.

Speaking at a conference on the issue, World Bank representative James Coates noted that more than half of all money allocated to HIPC countries went to cancel Mozambique's debt, and that more debt could not be canceled because the funds allocated under HIPC constituted the maximum that creditors could afford. But the $100 million that Mozambique pays in debt service each year represents barely one-tenth of one percent of the increase in resources which the IMF alone received last year from member governments. This indicates that the lack of meaningful debt relief so far is not the result of scarce resources, but a lack of commitment to significantly reducing the debt service burden of these highly indebted and very poor countries.

Human impact of the IMF's policies

The importance of debt relief can be illustrated by estimates of the results, in terms of human welfare, that could be achieved if some of the resources now spent on debt service were reallocated to spending on vital needs. In 1997, the United Nations Development Program estimated that, relieved of their debt payments, severely indebted countries in Africa could have saved the lives of 21 million people and provided 90 million girls and women with access to basic education by the year 2000. In the case of Mozambique, Oxfam estimated that debt relief could save the lives of 600,000 children over seven years. Other advocates of debt relief have made similar estimates: based on United Nations Development Program estimates of the impact of increased health and education spending, Jubilee 2000 estimated that if Mozambique were allowed to spend half the money on health care and education which it is now spending on debt service, it would save the lives of 115,000 children every year and 6,000 mothers giving birth.

HAS AFRICA 'TURNED THE CORNER' IN RECENT YEARS?

In 1998, the IMF released a series of publications and public statements claiming credit for an ''African economic renaissance'' and ''a turnaround in growth performance.'' The claim from the IMF and World Bank is that structural adjustment is beginning to pay off, at least in macroeconomic terms. But examining just-released growth projections by the World Bank, one discovers that the ''growth turnaround'' has been short-lived. According to the World Bank, real GDP per capita grew by 1.4% in 1996, but by 1997, growth slowed to 0.4% and in 1998, per capita incomes fell by 0.8%. The World Bank projects a further decline of −0.4% in 1999. In short, if there was an ''economic renaissance'' for Africa, it appears to be over.

Why has there been a sudden downturn in growth? The UN Economic Commission for Africa (ECA) reports that Africa's economic performance in 1997 showed ''the fragility of the recovery and underscored the predominance of exogenous factors'' in the determining African economic outcomes. Africa's growth prospects are inexorably linked to world prices for its exports. IMF and World Bank structural reforms had actively promoted this strategy, known as export-led growth. The ECA also emphasized this fact: ''The major thrust of economic policy making on the continent has been informed for the last decade or so by the core policy content of adjustment programs (of the type supported by the IMF and the World Bank) * * *''

In addition to slower growth in 1997 and 1998, recently released data indicate that the relationship between the IMF and sub-Saharan Africa has taken a turn for the worse during these years.

FIGURE 6. IMF RELATIONSHIP WITH SUB SAHARAN AFRICA 1991–1998

[Millions of U.S. dollars]

	1991	1992	1993	1994	1995	1996	1997	1998
IMF purchases	579	527	1146	918	2994	652	524	837
IMF repurchases	614	530	455	467	2372	596	1065	1139
IMF charges	228	186	138	170	559	124	101	88
Balance	−263	−189	553	281	63	−68	−642	−390

[1] Preliminary.

The Balance shows the net transfer of funds from the IMF to Sub-Saharan Africa; the negative sign indicate a net transfer from the countries to the Fund. IMF Purchases represent new resources (loans) taken out from the IMF. IMF Repurchases represent repayments of the principal of IMF loans. IMF Charges represent repayments of the interest on IMF loans.

Source: World Bank, Global Development Finance 1999, in Jubilee 2000 coalition, ''IMF takes $1 billion in two years from Africa,'' April 1999.

As Figure 6 shows, repayments by African governments to the IMF outpaced new resources in the past two years, resulting in a net transfer from Africa to the IMF of more than $1 billion in 1997 and 1998. Meanwhile, despite increasing repayments to the IMF, total African debt continued to rise: between 1997 and 1998, Africa's debt increased by 3% to $226 billion. This occurred even as African countries paid back $3.5 billion more than they borrowed in 1998.

CONCLUSION

The data reviewed in this study suggest that the International Monetary Fund has failed in Africa, in terms of its own stated objectives and according to its own data. Increasing debt burdens, poor growth performance, and the failure of the majority of the population to improve their access to education, health care, or other basic needs has been the general pattern in countries subject to IMF programs.

The core elements of IMF structural adjustment programs have remained remarkably consistent since the early 1980s. Although there has been mounting criticism and calls for reform over the last year and a half—as a result of the Fund's intervention in the Asian and Russian financial crises—no reforms of the IMF or its policies have been forthcoming. And there are as yet no indications from the Fund itself that it sees any need for reform. In fact, IMF Managing Director Michel Camdessus has repeatedly referred to the Asian economic collapse as ''a blessing in disguise.''

In the absence of any reform at the IMF for the foreseeable future, the need for debt cancellation for Africa is all the more urgent. This enormous debt burden consumed 4.3% of sub-Saharan Africa's GNP in 1997. If these resources had been devoted to investment, the region could have increased its economic growth by nearly a full percentage

point—sadly this is more than twice its per capita growth for that year. But the debt burden exacts another price, which may be even higher than the drain of resources out of the country: it provides the means by which the IMF is able to impose the conditions of its structural adjustment programs on these desperately poor countries.

Any debt relief that is tied to structural adjustment, or other conditionality imposed by the IMF—as it is in the HIPC initiative—could very well cause more economic harm than good to the recipients. Debt relief should be granted outside the reach of this institution, preferably without conditions. Moreover, the role of the Fund in Africa and developing countries generally, and especially its control over major economic decisions, should be drastically reduced. Any efforts to provide additional funding or authority to the IMF, before the institution has been fundamentally reformed, would be counter-productive.

ON THE WRONG TRACK:

A SUMMARY ASSESSMENT OF IMF INTERVENTIONS IN SELECTED COUNTRIES

January 1998.

OVERVIEW

As Asian economies continue to unravel, investors have looked to the International Monetary Fund for guidance on whether prospective economic performance warrants their continued participation in the economies of those countries. With a war chest of funds and a staff of neoliberal economists at its disposal and the power and influence of Northern governments and financial markets behind it, the IMF not only sets the standards for such performance, but it forces compliance with the carrot of emergency funding and the stick of discouraging the flow of private-sector and other public-sector financing. When the going gets rough under IMF tutelage, the refrain is always the same: deepen the reforms with more of the same medicine.

But how good has IMF advice been, and how accurate a guide has the Fund's stamp of approval been for investors? To start, investments in IMF-touted emerging-market countries over the past five years have performed no better than much safer investments at home, and the Fund failed to warn of the two big crashes of the decade—Mexico and East Asia. In fact, right up to the currency and stock-market collapses, the IMF was praising these countries as models of economic success and rationality. Perhaps blinded by its own prescriptions (and the interests of investors) to open these—and other—economies before the necessary institutional, financial and social infrastructure was in place, the Fund has consistently failed to recognize, or at least publicly acknowledge, the underlying weaknesses in these economies and its own contribution to the debacles.

Friends of the Earth and The Development GAP, with the support of the Charles Stewart Mott Foundation, have engaged partners in six countries to assess, through short case studies, IMF performance in a representative cross-section of economies. Drafts of four of the studies—Mexico, Senegal, Tanzania and Hungary—have been completed, and summaries are attached, the profiles of the Philippines and Nicaragua are still in progress. These cases paint a consistent picture of an institution bent on fully opening economies to foreign investors on advantageous terms at almost any cost—the destruction of domestic productive capacity and local demand, growing poverty and inequality, the deterioration of education and health-care systems, and, as has been seen, a dangerously expanding vulnerability of these economies themselves to external forces beyond their governments' control.

What is clear from these studies, and from IMF intervention across the board, is that the Fund's economic conditions—which have gone beyond tight monetary and fiscal policies and other stabilization measures to include the liberalization of trade, direct investment and financial capital flows, as well as the dismantling of labor protections and economic infrastructure that supports small producers—have been imposed without linkage to a long-term development strategy aimed at sustainable and equitable growth and economic competitiveness.

In Mexico, a program of rapid trade liberalization, economic and financial-sector deregulation and large-scale privatization, accompanied by policies that undercut local demand and production, had created a growing current-account deficit well before the December 1994 collapse of the peso. The increasing dependency on foreign capital inflows required to finance the deficit eventually led to massive capital flight and the crisis. Subsequent IMF conditions attached to the bailout of foreign investors, which in essence deepened the reform program while ignoring its underlying weaknesses, caused an economic depression, pushing millions of farmers out of agriculture, bankrupting thousands of small businesses, and drastically slashing jobs and wages. Likewise, in Nicaragua, financial-sector deregulation, narrowly focused and without adequate prior institutional reform, has directed capital toward short-term, high-interest deposits and away from productive investment, particularly the activities of small-scale producers in both the agricultural and manufacturing sectors.

In Africa, the IMF record has been even worse. Tanzania, forced to adopt a program of trade liberalization, devaluation, tight monetary policy and the dismantling of state financing and marketing mechanisms for small farmers, has experienced expanding rural poverty, income inequality and environmental degradation amidst growing agricultural export trade. Food security, housing conditions and primary-school enrollment has fallen while malnutrition and infant mortality have been on the rise. The country, under Fund supervision, is today more dependent than ever on foreign aid. Across the continent, Senegal, an IMF pupil for 18 years, has experienced declining quality in its education and health-care systems and a growth in maternal mortality, unemployment and the use and abuse of child labor. Official IMF statistics underestimate the real inflation rate faced by most of the population, while economic growth has not effectively reached the poor. As women constitute the vast majority of the poor and depend more on social services, experience lower education and literacy rates, and are least likely to receive support for their agricultural (food-crop) activities than are men, they have suffered disproportionately under the adjustment program.

With the IMF as its guide, Hungary has led the reform process in Eastern Europe, similarly liberalizing its trade regime, tightening its money supply and selling off assets (on questionable terms) to foreign interests with little concern for the productive contributions of workers and domestic producers in the ''real'' economy. As a result, an increasing portion of resources are being directed away from investment in human capital and infrastructure formation toward unemployment benefits and payments to wealthy bondholders. A more fragmented and troubled society has emerged in which other big losers include: the elderly, who often cannot afford the cost of medicines or home heating, pensioners, whose stipends will further decrease, gypsies, who are losing access to jobs and public housing, youth, who face decreased access to education and employment, particularly in rural areas, and children, who, for the first time, are experiencing malnutrition as poverty expands in Hungary.

The IMF claims that it is not a development assistance agency and its track record proves its point. Yet, while destroying the basis for sustainable, equitable and stable development around the globe with the imposition of both stabilization and adjustment measures, the Fund has also greatly increased the economic vulnerability of nation after nation. By opening the door prematurely to fickle and unregulated foreign capital flows, liberalizing trade and investment regimes and pushing up interest rates to attract bondholders without adequate support for local production, developing cheap production bases for foreigners and export at the expense of underpaid and undereducated work forces, domestic demand and the natural environment, and rewarding speculators instead of financing critical social investments and equilibrium, the IMF has demonstrated both its biases and its ignorance of local conditions. It should be neither a guide for the market nor a dictator of national development programs. At this point in history, the less influence, the less money, the less power it has, the better.

APRIL 1999.

CONDITIONING DEBT RELIEF ON ADJUSTMENT: CREATING THE CONDITIONS FOR MORE INDEBTEDNESS

(By The Development Group for Alternative Policies)

Over the past year there has been growing public recognition, even within official circles, that foreign-debt burdens, particularly those of the least-developed countries, are unsustainable and constitute severe constraints on those countries' future development. The dire situations in Honduras and Nicaragua after Hurricane Mitch serve to highlight the impossibility of those countries garnering sufficient resources to rebuild their devastated infrastructures while foreign-debt payments continue to absorb much of their governments' and export earnings.

Various proposals have been developed for the cancellation of bilateral and multilateral debt. Most prominent among these proposals is the Heavily Indebted Poor Countries (HIPC) initiative. The stated intention of this program, which is administered by the International Monetary Fund (IMF) and the World Bank, is to enable highly indebted poor countries to achieve sustainable debt levels within six years. After three years of implementation of structural adjustment programs (SAPs), countries reach a ''decision point'', at which time some debt rescheduling may be granted and the level of additional debt reduction needed is calculated. That reduction, however, is typically available only after another three years of adjustment. It could take even longer than six years for a country to receive any debt relief, as the ''clock'' stops if a country fails to fully adhere to the adjustment program and restarts only when the

IMF has certified that it is in compliance once again. In fact, given the long time frame for debt cancellation, it appears that a central goal of the HIPC initiative is to keep countries locked into adjustment programs, with debt reduction now used—as has been both access to finance and debt itself—as leverage toward that end.

While the recognition that debt levels must be reduced is a step in the right direction, the requirement that countries continue to implement SAPs in order to qualify for and receive that relief greatly diminishes or even negates the benefits that might accrue from debt cancellation. Not only have adjustment programs devastated national economies across the South and caused misery for hundreds of millions of people, evidence shows that, in the large majority of countries implementing those policies at the insistence of the international financial institutions (IFIs), debt levels have increased.

In fact, a study carried out by two researchers affiliated with The Development GAP demonstrates that there is a positive linear relationship between the number of years that countries implement adjustment programs and increases in debt levels. Rather than leading countries out of situations of unpayable debt levels, the HIPC program and others conditioned on the implementation of SAPs would likely push participating countries further into a tragic circle of debt, adjustment, a weakened domestic economy, heightened vulnerability, and greater debt.

METHODOLOGY

The Development GAP study covers 71 economies of the South with a history of at least three years operating under World Bank-supported structural and sectoral adjustment programs during the period 1980–1995. Many of these countries have also implemented IMF adjustment programs. On average, the countries included in the study had implemented SAPs for 7.8 years. Some 42 African and Middle Eastern countries were included and comprised 59.2 percent of the sample. Eleven Asian countries, or 15.5 percent of the total, and 18 Latin American countries, comprising 25.4 percent of the cases, were also included in the study. A list of the countries included in he study, along with data related to SAPs and debt, is provided in the Annex.

The independent variable used in the study analysis was the number of years a country had been implementing a structural adjustment program. The dependent variable was the change in the ratio of debt to GNP. The total debt level used was the sum total of debt and the debt and interest cancelled during the period (so that official debt-reduction plans do not skew the results). Changes in the ratio of debt to GNP were derived by calculating percentage changes in the ratio from the first to last year of a country's SAP. In the cases in which the program was still ongoing, 1995 was used as the final year for calculation due to the unavailability of data on debt after that date. All figures are based on official World Bank information.

RESULTS

Of the countries included in the study, a full two-thirds saw their debt burdens increase during the adjustment period. Furthermore, as cited above and contrary to assertions by the IFIs that ''sound economic policy'' is the best road out of debt, statistical analysis of the data demonstrates a positive relationship between the number of years under adjustment and increases in debt levels. The longer these countries implemented the neoliberal programs, the worse their debt burdens typically became.

It is striking that none of the countries currently being considered for debt relief under the HIPC initiative has experienced a drop in the debt-to-GNP ratio under their respective adjustment programs. In some countries, the inverse relationship was especially strong. Guyana and Cote d'Ivoire, two countries that are scheduled to receive such debt relief, have experienced phenomenal increases in the debt/GNP ratio. In the former, the ratio grew by 147 percent after 13 years of adjustment, and, in the latter, 13 years of SAPs produced a 120-percent increase in debt to GNP. Of the 35 countries listed by the World Bank as HIPCs, only three experienced decreases in debt-to-GNP levels under adjustment. All others experienced increases, ranging from an 11-percent rise in Mauritania to a 670-percent increase in Nigeria.

The average, or mean, increase in debt for all of the countries in the sample was 49.2 percent. The median, or most frequent, increase was 28.2 percent. The top 25 percent of the countries showed a 75-percent increase in foreign debt.

TRAGIC CIRCLES OF DEBT AND ADJUSTMENT

There are a number of reasons for the rise in debt levels. In some countries, the trade liberalization required under adjustment programs leads to a flood of imports and, consequently, higher trade and current-account deficits. Those deficits need to be compensated for by higher foreign investment, foreign assistance or foreign borrowing. In many countries, such as Brazil, the maintenance of high real interest rates, as often mandated by the IFIs, in order to appease nervous foreign investors, is increasing the cost of domestic debt, thus adding to the government's budget deficit, raising the specter of further devaluation, and, consequently, creating greater difficulty in servicing the foreign debt.

One of the central objectives of structural adjustment programs is to reorient economic activity away from production for domestic consumption and toward production for export. In making this shift, nations become exceeding vulnerable to the vagaries of the global economy. Countries export more and more as commodity prices continue to fall. Governments deregulate economic activity, ''flexibilize'' labor markets and raise interest rates in increasingly desperate efforts to attract and maintain fickle foreign investment. The recent crises in Mexico, East Asia, Russia and Brazil demonstrate the hazards of countries betting their future well-being on the erratic global financial market. Indeed, those countries receiving IMF-orchestrated ''bailouts'' could very likely constitute the next group of debt-crisis countries, as the adjustment conditions attached to these packages include the requirement that governments guarantee payments to private international banks, thus making private debt a public obligation.

High foreign-debt levels are both a result and a symptom of the extreme risk that governments take in tying their economies too closely to the global market. The causes of that debt are flawed economic policies that fail to develop domestic productive capabilities or raise local income levels so as to reduce the need for external financing. For this reason alone, the requirement that governments adhere to the structural adjustment programs designed by the international financial institutions is pure folly. Instead, governments should be encouraged to develop national economic plans designed democratically to expand the domestic financial resource base, incomes and markets and, consequently, reduce their extreme dependence on foreign debt. Otherwise, we can expect the tragic circle of debt and adjustment to continue into the foreseeable future—debt-relief programs not withstanding.

Prepared by Karen Hansen-Kuhn and Doug Hellinger based on research and analysis by Matt Marek and Nan Dawkins.

ANNEX: COUNTRIES INCLUDED IN THE STUDY

Africa and Middle East	Years under SAP	Percent increase in debt/GNP
Algeria	5	72.05
Benin	6	17.74
Burkina Faso	4	65.98
Burundi	9	155.96
Cameroon	6	156.96
Central African Rep.	7	110.76
Chad	66	81.43
Comoros	4	30.30
Congo	7	75.59
Cote d'Ivoire	13	119.53
Egypt	3	−22.89
Equatorial Guinea	4	23.10
Ethiopia	3	28.25
Gabon	7	62.58
The Gambia	5	−25.88
Ghana	12	148.31
Guinea	8	10.92
Guinea-Bissau	10	64.57
Jordan	5	−29.72
Kenya	15	120.50
Madagascar	9	87.87
Malawi	4	142.92
Mali	7	29.06
Mauritania	9	10.55
Mauritius	8	−15.91
Morocco	10	−28.19
Mozambique	7	30.92
Niger	9	63.92
Nigeria	11	669.66
Rwanda	4	106.65
Sao Tome and Principe	8	287.91
Senegal	14	56.66
Sierra Leone	3	−9.77
Somalia	6	37.75
Sudan	7	−25.54
Tanzania	14	361.07
Togo	12	14.43
Tunisia	8	−22.69
Uganda	13	33.19
Zambia	11	61.19
Zimbabwe	11	121.14

Asia	Years under SAP	Percent increase in Debt/GNP
Bangladesh	15	75.76
China	3	15.94
India	3	−16.32
Indonesia	5	−9.32
Lao PDR	5	−33.23
Nepal	6	57.68
Pakistan	4	30.61
Papua New Guinea	5	−35.86
Philippines	14	7.57
Sri Lanka	5	−12.38
Thailand	3	6.72

Latin America and Caribbean	Years under SAP	Percent increase in Debt/GNP
Argentina	9	−11.85
Bolivia	15	51.43
Brazil	9	−8.99
Chile	3	−19.99
Colombia	10	−33.56
Costa Rica	12	−56.61
Dominica	4	−19.22
Ecuador	9	13.80
El Salvador	4	−20.69
Guatemala	3	−13.86
Guyana	13	147.32
Honduras	6	38.97
Jamaica	14	75.13
Mexico	11	30.83
Nicaragua [1]	13	726.07
Panama	11	8.87
Peru	3	8.42
Trinidad and Tobago	3	−5.10
Uruguay	9	−55.72
Venezuela	5	−3.71

[1] Nicaragua was excluded from the analysis because of the unorthodox nature of its debt and because adjustment was implemented sporadically during the period (and at times without support from the international financial institutions), making it difficult to identify beginning and end years for the program.

ENVIRONMENTAL CONSEQUENCES OF THE IMF'S LENDING POLICIES

(By Friends of the Earth)

Environmentalists around the world have long been concerned about the impact of International Monetary Fund (IMF) structural adjustment policies on the global environment. While economic instability is a threat to the environment, the IMF's approach to economic reform generally induces a blatant disregard for environmental impacts, even when the economic goals go hand in hand with environmental goals.

The result: too many economic policies that promote environmental degradation and too few policies that could promote positive environmental gains.

PRESSURE TO EXPORT

Structural Adjustment Programs (SAPs) treat natural resources as commodities, exported as cheap products to over-consuming markets in the Northern rich countries. Exports of natural resources have increased at astonishing rates in many IMF adjusting countries, with no consideration of the sustainability of this approach. For example, Benin, under SAPs since 1993, had sawnwood exports increase four fold between 1992 and 1998. (1)

Furthermore, it is often raw resource exports, whose prices are notoriously volatile, that are being promoted, rather than finished products, which would capture more value-added, employ more people in different enterprises, help diversify the economy, and disseminate more know-how.

BUDGET CUTS AND WEAKENED LAWS

Structural adjustment's goal of balancing the government budget can also hurt the environment. In the effort to shrink budget deficits, cuts in government programs weaken the ability to enforce environmental laws and diminish efforts to promote conservation. Budget cuts in Brazil, Russia, Indonesia and Nicaragua have greatly reduced these governments' ability to protect the environment. Governments may also relax environmental regulation to meet SAP objectives for increased foreign investment.

WORLD BANK IS NO EXAMPLE

The IMF explains that it relies on the World Bank to assess the environmental implications of its adjustment lending. Yet the World Bank has proven to be no help. A recent review found that fewer than 20% of World Bank adjustment loans included any environmental assessment. (2)

Another consequence of the IMF's narrow approach to economic reform is that economic policies that could help promote environmental sustainability are being ignored. Tax promote environmental sustainability are being ignored. Tax policy, for example, could emphasize green taxes in order to generate revenue and discourage excessive resource use. In the IMF's effort to build countries' accounting systems and statistics capabilities, full cost accounting could be pursued to help both countries and international financial institutions realize the value of natural resources and would therefore encourage countries to use them prudently. Immediate steps must be taken to make sure that environmental protection is considered as a core component of economic policy reform.

FORESTRY

Many countries under the IMF's Structural Adjustment Programs are rich in forest resources. SAP's economic incentives for increasing exports of forest products can lead to more foreign exchange earnings, but when uncontrolled can result in unsustainable forestry management and high deforestation rates.

In Cameroon, IMF-recommended export tax cuts, accompanied by the January 1995 devaluation of the currency, provided great economic incentives to export timber. As a result, the number of logging enterprises increased from 194 in 1994 to 351 in 1995 (3) and lumber exports grew by 49.6% between 1995/96 and 1996/97 (4), threatening the country's rainforests and natural habitat (see inset). In a recent report the IMF finally acknowledged the precarious nature of Cameroon's export strategy and encouraged a strengthening of the government's institutional capacity to promote the rational use of forest resources.

Between 1990 and 1995, forest loss for the 41 Heavily Indebted Poor Countries (HIPC) greatly exceeded the rate of forest loss for the world. For example, the two Central American HIPC countries, Nicaragua and Honduras, lost almost 12% of their forest, which is 7.5 times greater than the world rate. Approximately 75% of these HIPC countries had an IMF SAP at some point during this time period. (5)

FOREST LOSS, 1990–1995

[In percent]

Region	HIPCs	Non-HIPCs	World
Tropical Africa	3.65	2.60	1.6
Tropical Asia	8.33	4.60	1.6
Central America	11.6	5.12	1.6
America	4.2	2.60	1.6

FAO, 1997

MINING

Like forestry, mineral resources are seen as a quick source of export earnings and a locus for foreign investment. Mining is one of the most environmentally destructive activities, contaminating ground water through acid mine drainage, threatening fish, animal and bird life, and destroying wildlife habitats. SAP policies have promoted the exploitation of mineral resources, and done so without regard to disruption to local communities and indigenous peoples and requirements for land rehabilitation. (6)

Under SAP guidance since the mid 1980s, Guyana implemented policies to increase large-scale, foreign-owned mining ventures. This has led to river pollution, the decline of fish populations, and deforestation (see inset). There are now 32 foreign mining companies active in Guyana and large scale mining permits now cover an estimated 10% of the country. (7) The IMF is encouraging Guyana's government to transform mining and petroleum into one of the country's critical economic sectors by the year 2000. (8)

Under IMF guidance, Cote d'Ivoire has targeted mineral resources for export intensification and is stepping up exploration efforts. The results are new surface mining projects, three new gold mining companies since 1994, and 80 permits issued for mineral exploration to 27 international mining companies in 1995. (9)

AGRICULTURE

Agriculture is another sector SAPs target for export growth. In order to increase yields, farmers must either increase land intensity through fertilizer and pesticide use, or clear new land for more crops. Large-scale agriculture often involves monocropping, resulting in erosion, loss of soil fertility and increased industrial inputs.

SAPs led Cote d'Ivoire to devalue its currency and eliminate export taxes creating incentives for increased agricultural output. From 1992 to 1996 cocoa production dramatically increased by 44%. The environmental implications included soil degradation, deforestation and loss of biodiversity. (11)

SAP programs in Tanzania resulted in rising input costs for the agricultural sector. Consequently, the need for production increases has led to land clearing at the rate of 400,000 ha per year. Between 1980 and 1993, one quarter of the country's forest area was lost, 1993, one quarter of the country's forest area was lost, forty percent for cultivation. (12)

WEAKENED ENVIRONMENTAL SAFEGUARDS—BUDGET CUTS REPRESENT A TYPICAL RESPONSE TO IMF POLICY MANDATES

In Brazil, government spending on environmental programs was cut by two-thirds in order to meet the fiscal targets set by the IMF. (13)

In Russia the budget for protected areas was cut by 40%. (14)

In Indonesia, budget cuts have forced officials in Jakarta, one of the world's most polluted cities, to suspend environmental programs. (15)

In Nicaragua, the budget of the Ministry of the Environment and Natural Resources was cut by 36% in order to adhere to IMF budget targets.

CHANGES IN LAWS AND POLICIES

Many countries have changed their laws and regulations to attract foreign investment. In the mining sector, for example, many countries under IMF policy reforms have relaxed regulations for investment and exploration. Some countries still try to assess the environmental impacts of mining, but it is yet to be seen whether concerns for environment will be overshadowed by economics in these cash strapped economies.

Guyana changed its mining policies, giving large mining companies the majority stake in large operations. (16)

Benin and Guinea both revised their mining codes to promote mining and increase exploration.

The Central African Republic established new mining codes citing that mineral resources were ''insufficiently exploited.''

Mali established a new mining code in 1999 to encourage development, also including plans to consider environmental impact.

Mauritania established a new mining code to increase development and will also formulate policies to assess the environmental impact.

RECOMMENDATIONS

The IMF needs to take immediate steps to reverse the negative ecological impact of structural adjustment. Natural resources are finite, and need to be recognized for their full ecological, social, and economic values. The current model of economic development that is being pursued by the IMF and World Bank is fundamentally unsustainable as it seeks growth at all costs, without regard to ecological limits.

The IMF and WB should take the following steps to integrate environmental concerns into economic development, including:

Conduct environmental and social assessments of SAPs,

Encourage the protection of environmental programs by publishing environmental spending figures,

Refrain from cutting environmental spending or weakening conservation laws,

Publish changes in environmental laws that are the result of structural adjustment discussions,

Include environmental ministers in negotiations on IMF programs,

Pursue environmental accounting as part of IMF technical assistance and data gathering, and

Implement green taxes that could generate revenue and discourage excessive resource use.

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16. Colchester, Mark. Social Exclusion and Development Domination: The Underlying Causes of Deforestation and Forest Degradation in Guyana. World Rainforest Movement Campaigns and News. www.wrm.org.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AMENDMENT OFFERED BY MR. VITTER

Mr. VITTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VITTER:

In the item relating to ''INTERNAL REVENUE SERVICE–PROCESSING, ASSISTANCE, AND MANAGEMENT'', insert after the first dollar amount the following: ''(reduced by $25,000,000)''.

In the item relating to ''FEDERAL DRUG CONTROL PROGRAMS–HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM'', insert after the first dollar amount the following: ''(increased by $25,000,000)''.

Mr. VITTER. Mr. Chairman, my amendment is very simple. It increases funding for high intensity drug trafficking areas, known as HIDTAs, by $25 million and reduces the IRS administration account by a like amount, $25 million. So it clearly is budget neutral.

Mr. Chairman, the Antidrug Abuse Act of 1988 authorized the director of the Office of National Drug Control Policy to designate areas within the U.S. which exhibit serious drug trafficking problems as high intensity drug trafficking areas, HIDTAs. That designation does a few different things. Mainly, it provides additional Federal funds to facilitate cooperation between Federal, State, and local law enforcement officials to really go after in a very geared-up, coordinated way production, manufacture, transportation, distribution, and chronic use of illegal drugs.

Since 1990, 31 areas in 40 States have been designated HIDTAs, and I really want to underscore this point for Members because the great majority of Members are directly impacted by this very successful HIDTA effort. Most Members are directly impacted by a HIDTA in their area.

As I said, HIDTAs have been very successful, enormously successful, because they coordinate Federal, local, State law enforcement. They are an amazingly important clearinghouse. Let me give an example from my area, the Gulf Coast HIDTA. It is located in my district, and in many other districts along the Gulf Coast, last year targeted 65 drug trafficking and money laundering organizations and successfully dismantled, really dismantled, 47. Some of these include long-standing organizations which have long been the targets of local law enforcement.

What does that mean? It means a lot for my city, my State. New Orleans reports an average decrease in crime of about 15 percent. Five of our other six major cities show a decrease in the total crime index of 1 to 14 percent. Murder rates in five other cities have declined 5 to 24 percent. National averages are 4 to 9 percent respectively.

Now, the Gulf Coast HIDTA is not the only reason. We have been doing other things locally, but it is one important reason, because of the coordination, it provides for Federal, State, and local law enforcement.

HIDTAs around the country continue to face new challenges, and we need to fund them properly and to keep up with the challenge. That is why I am afraid this budget is really inadequate. The President did not provide additional money over last year for HIDTAs, nor did this bill. I know the chairman and the ranking member want to continue to work on HIDTAs in the conference process, but I really think we really need to vote a bill out of the House that provides additional funding. So that is what my amendment would do, $25 million.

The offset is the IRS administrative account. If we look at the IRS budget overall, the increase in this budget this year for the IRS is $231 million. So still after my amendment there would be a very significant increase in the IRS account, and we are talking about a total account of $7 billion. So certainly this is not going to do any damage to that account.

When we look at IRS activity and their track record lately, certainly we are trying to make improvements with positive reform efforts; but certainly in the last full GAO report, which is 1999, there were some very glaring problems in the IRS. In one case it took 18 months for the IRS to correct an input error, and that resulted in a wrong assessment of $160,000 against a taxpayer who was really due a refund; 4,800 employees hired to process taxes before the proper fingerprinting and other checks were made; on and on and on, some clear problems, abuses in the IRS.

There are really two frames of mind about how to deal with that. Some people look at these gross problems and errors and want to throw more money at it. Personally, I look at these dramatic problems and say we need to show the IRS we mean business and penalize bad behavior, not reward it. But certainly in any case, even after my amendment, the IRS administrative account would get a very significant increase of $200 million, a total budget of $7 billion. Certainly, I think in that context this shifting of $25 million from the IRS administration account to the HIDTAs, which is not getting any increase this year, which is very much on the front line of the war on drugs, is fully justified.

Mr. KOLBE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Louisiana (Mr. VITTER) has made a very good case for the HIDTAs, a case which I concur with entirely. I happen to be a strong supporter of HIDTAs. In fact, one of the first original HIDTAs, that is High Intensity Drug Trafficking Areas, was designated in Arizona. I work very closely with the law enforcement officials who manage that HIDTA in Arizona. I know the value that this HIDTA provides along the southwest border in helping us to interdict drugs in that area.

There is a need for increased funding, in my view, for the HIDTAs. The problem that I have at this moment, and the reason we do not have additional amounts, is that we have asked the Office of National Drug Control Policy, the drug czar, who has the responsibility for these funds for managing this

and making the grants to the HIDTAs, to come up with some criteria for us by which we can judge HIDTAs, the need for them, new ones being created, the ones that exist, whether they need additional funding or whether the problem has shifted and there may be some HIDTAs that actually require a reduction in funding. We do not have that criteria. We do not have a set of criteria that we can use to consider in a rational way how much additional funding is needed.

The gentleman suggested $25 million. As he describes the problem, and it is enormous, $25 million may not be adequate. What is adequate?

The other side of this amendment, of course, is taking the money out of the Internal Revenue Service. Now, the gentleman said it is huge, it is big, it is a big account; and it is. The dollar amount that he is taking out of here is also substantial. The responsibilities of the IRS that we have given them under the Reorganization Act that this Congress passed by an overwhelming majority a few years ago, the responsibilities we have given them to transform themselves and become more customer friendly, to focus more on filers and customer relations, those responsibilities are tremendous; and they have a reorganization requirement.

They have two things. One, they need money for reorganization, and they need money for their technology modernization. This comes particularly out of the account for management processing, assistance, and management. This is where we have told them to become more customer friendly. We have already made a significant reduction in the last several years in the size of the IRS. I think it is justified, and I think the IRS needs to streamline its activities. We need to streamline the Tax Code to make it easier to file, but this would be a reduction of approximately 500 additional employees. That would mean people would wait longer for customer assistance. It would mean they would wait longer to get their refunds, to get questions answered about their filings of their tax returns.

Is it legitimate that we should say it is more important to fight drugs than to do this? I do not have a simple answer to that. This bill attempts to address all of the requirements that we have within it in a way that meets the priorities in the best possible fashion. I said at the outset that we lacked funds to do everything that we would like in this legislation, but I think particularly at this time it would be inappropriate to take the money from this account, where Congress has acted, where Congress has said make this reorganization, where Congress has said meet these specific missions, IRS, to take the money from this account and put it into the High Intensity Drug Trafficking Areas, as valuable as they are, without knowing exactly how that money should be allocated, what criteria we are going to use for the drug czar to reallocate that money.

So I think it would be inappropriate for us to do that, and for that reason I must oppose the gentleman's amendment, as valuable though I think the idea of increasing HIDTA funding would be.

Mr. VITTER. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Louisiana.

Mr. VITTER. Mr. Chairman, I certainly respect the perspective and thoughts of the gentleman about the IRS. I just want to clarify. Even under the amendment, we would increase the IRS budget over last year over $200 million, and I presume we are not going to give them 200 million more dollars and be laying off people.

Mr. KOLBE. Reclaiming my time, yes, actually we are. We are making a reduction because of the need for meeting current services, that is, the pay increases that all Federal employees will get and so forth. There actually is a reduction under our legislation, the number of people.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we had a very lively debate in the committee on this subject on HIDTA, and I want to commend the gentleman from Louisiana (Mr. VITTER) for his amendment. I think there is a problem here. I think we have the same problem out in the State of Washington. We have a crisis in my district with these meth labs, and this is a phenomena that I know that the chairman is well aware of in California where there is the same problem. It is a phenomena that is moving kind of from the West Coast to the East Coast.

I am deeply concerned about it. In fact, the governor of the State of Washington, myself, and the prosecuting attorney of Pierce County, Washington, held a conference in our State and brought together all the law enforcement people, including the HIDTA people, and I personally talked to General McCaffrey about this because I am deeply concerned. These meth labs are a tremendous problem. Not only is this a devastating drug that has a terrible impact on the individuals but it also creates tremendous environmental problems, and the cleanup of these meth labs is a tremendous problem for the local communities.

I believe that the budget this year for HIDTA at $192 million or thereabouts is inadequate. Now I understand that the chairman and the ranking member have a problem with the allocation here, and they probably would like to do more in this area, because I think we in the Congress think that HIDTA is a pretty decent program; and yet we are caught with this problem of the allocation. I would just urge the chairman and the ranking member, based on the debate we had in the committee, to please take a look at this as we go to conference, as we go through this process. If we get some additional money for this particular bill, I would certainly hope that HIDTA would be one of the areas that we would look at.

I can certainly say that this has been a very successful program in Washington State, in the Northwest, and it is a program that needs some additional funding. I realize the administration did not request additional funding for it; but in my view, based on what I have seen out there with this crisis with these meth labs, and it is going all over the Northwest, we have to do more to deal with this problem. Again, I understand the amendment of the gentleman from Louisiana (Mr. VITTER) here, and I realize that taking the money out of the IRS is a difficult problem; but somehow in the process, before it is over, we have to do something to increase funding for HIDTA.

□ 1600

Mr. HUTCHINSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of the gentleman from Louisiana. I want to congratulate him for his work in this and recognize an extraordinary problem that methamphetamine presents, not just to Louisiana and Arkansas, but really to the entire country and is expanding in the depth of its problems.

In response to the gentleman from Arizona, and I appreciate his work on the committee, because he raises a couple of questions. The first thing that he raised is that there is not sufficient criteria for the development of a HIDTA, and who would be allocated a HIDTA. The gentleman from Washington indicated that the HIDTA is working very well in the State of Washington. My State, Arkansas, does not have a HIDTA program. We have applied for a HIDTA the right way, in my judgment, which is through the channels of General McCaffrey and the Drug Czar's office. I have met with him; we have met the criteria.

Mr. Chairman, we have an extraordinary meth lab explosion in Arkansas; and we would like to be designated a HIDTA. They are reviewing that at the present time, because they have criteria. They have criteria that we have to meet. The difficulty is that whenever this goes to conference, we are going to have some people from various States saying, we want to legislatively write in the fact that this State, blank State, will be designated a HIDTA. So Congress will override the criteria that the Drug Czar has imposed. I would do that if I was in that meeting, probably, for Arkansas. I would like to have that prerogative. But we are trying to apply based upon that prerogative and that criteria that has been set.

So this amendment is very important. Because if we get granted this HIDTA designation, the next thing they are going to say is, well, you have been designated, but there are not funds in order to assist Arkansas. So this amendment of the gentleman from Louisiana will assure that there is at least a larger pool of money, a very modest, greater pool of money that the States can use in their existing HIDTA programs as well as a new one like Arkansas that might be so designated.

Just to give my colleagues an idea of the scope of the problem which many are already aware of, I serve on the Subcommittee on Crime. We have had hearings across this country: in California, we are going to have one in Kansas, we have had one in Arkansas. In Arkansas, we have an explosion of meth labs. But despite our explosion of meth labs, our law enforcement people say that 50 percent of our meth in Arkansas comes from California. So I am delighted that we give more money to California, to Washington and places that have this enormous overabundance of meth that is coming into States like Arkansas.

Secondly is the enormous danger of this. We have had two law enforcement officials in my district shot when they were executing a search warrant on a meth lab. What is the reason for that? An addict testified as to the danger of meth and he said that using heroin, using heroin is like smoking a cigarette compared to the dangers and the effects of methamphetamines. An extraordinary statement, because it increases one's paranoia, it heightens one's senses, one's violence propensity, and that is why it is such an enormous danger to our young people and to our law enforcement.

Mr. Chairman, this is money that is well invested. It is a very modest amount of money. I do agree with the gentleman that the IRS is doing an extraordinary job and they are working hard at their reorganization. But this is a small amount of money to a huge budget to the IRS versus a small amount of money that can make a significant difference to the HIDTA program.

So I ask my colleagues to support the amendment of the gentleman from Louisiana. Again, I thank him for his work on this issue.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have worked on HIDTA since we created the HIDTAs back in the 1980s. I am a very enthusiastic supporter of HIDTAs. For those of my colleagues who may not be specifically knowledgeable of HIDTA, HIDTA is a High Intensity Drug Trafficking Area. We adopted the premise of HIDTAs in the drug reform bill in which we adopted the Office of National Drug Control Policy and the director, who is affectionately referred to as the Drug Czar. We did so in an effort to ensure that we had coordination not only among Federal agencies in fighting the drug problem and securing our communities from the scourge of drugs, but we did so for the purposes of ensuring that we had coordination of our assets that are deployed by the Federal, State and local governments. In fact, in my opinion, the biggest benefit in HIDTA is not the money, although the money is important, and it funds the intelligence effort that all levels can access so in that respect, it is critically important. But its greatest contribution, in my opinion, is the coordination between Federal, State and local law enforcement that it has brought.

Mr. Chairman, it needs more money. Very frankly, I could support a sum greater than the gentleman from Louisiana offers in his amendment for adding to HIDTA.

The fact of the matter is, however, we deal in a world of alternatives. Once one votes for a budget that, in my opinion, underfunds our ability to respond to the needs of our country, one is constricted in terms of what one can spend. Now, the fact of the matter is, in this bill, the chairman has funded the law enforcement component of this bill almost exactly at the President's request. He has done so with the recognition that we need to support law enforcement efforts to make sure our communities are safe.

Now, I have not looked at the HIDTA problems in Louisiana, and I have been to Washington State with the gentleman from Washington (Mr. DICKS) and with Mr. BRIAN BAIRD. I have talked with his law enforcement officials, have talked to them about the success of their existing HIDTA and the need to expand HIDTAs along the Route 5 corridor, U.S. Route 5 from Canada down to San Diego, which is obviously a major population area, and a major area of meth labs and other illegal drug activity.

So the gentleman from Washington State (Mr. DICKS) is absolutely correct, Mr. BAIRD is correct, and the gentleman from Louisiana (Mr. VITTER) is correct. We need more resources.

Now, having said that, it is not enough to say we need more resources. We need to say, where do we get those resources? I think we have sufficient resources, but if we combine the tax cuts and therefore adopt a budget substantially under the President's request, we have to squeeze somewhere. So where did the chairman squeeze? He squeezed, because he was required to, very hard on IRS.

Now, it is very easy to say, well, we will cut IRS. Who here thinks IRS is a popular agency? Well, nobody raised their hand, got up and screamed and who will, so I presume the answer is really nobody. The fact of the matter is, though, we will not fund one HIDTA without the IRS. We will not fund one member of the Armed Forces without IRS. We will not fund an FBI agent without the IRS. That is to say, it is the agency that we have charged with the responsibility of collecting sums from all of us to fund services that we authorize and appropriate for.

The gentleman is correct, as the chairman has pointed out. The IRS has a large sum of money, because it is a large agency. I will tell my friend, though, from Louisiana, he has come relatively recently to the Congress, that the IRS is 17,000 people less than it was 6 years ago. At the same time, we have enacted the Reform and Restructuring Act which said that the IRS needed to do more services and be more friendly to our customers. That was the right thing for us to do. We want the telephone answered more quickly, we want taxpayers' questions answered accurately; and when they have problems, we want them served appropriately. All of us support those objectives.

The CHAIRMAN. The time of the gentleman from Maryland (Mr. HOYER) has expired.

(By unanimous consent, Mr. HOYER was allowed to proceed for 1 additional minute.)

Mr. HOYER. Mr. Chairman, in order to accomplish that objective, we have to have personnel to accomplish that. The IRS budget is 70 percent personnel. So that while a $25 million cut in a $8.3 billion budget seems like a small amount, relatively speaking, it is a significant amount when we understand that we have already cut $466 million from the request. A request that Mr. Rossotti who, by the way, is a Republican, so this is not a partisan issue, is a manager hired to manage, says this will undercut his ability to carry out the Reform and Restructuring Act.

So I suggest to my friend from Louisiana that the solution here is, because we all agree that HIDTAs need more money, is not to take dollars out of the IRS and underfund it further and make it unable to perform the functions we expect of it, but to add additional sums so that we can reach the levels that the gentleman suggested, and indeed exceed those, so that we can take care of the needs of Louisiana, and take care of the needs of Washington State. Therefore, I would hope that we would not support the gentleman's amendment and reject it, but not reject the idea.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. VITTER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. VITTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 560, further proceedings on

the amendment offered by the gentleman from Louisiana (Mr. VITTER) will be postponed.

Are there further amendments to title I?

AMENDMENT OFFERED BY MR. KLINK

Mr. KLINK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KLINK:

Page 4, line 14, after the dollar amount, insert the following: ''(reduced by $950,000)''.

Page 12, line 5, after the dollar amount, insert the following: ''(increased by $950,000)''.

Mr. KLINK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. KLINK. Mr. Chairman, this amendment would take $950,000 from the Treasury Inspector General's account for tax administration and would move that sum over to the Customs Service to provide the Customs Service with funding to monitor the radioactivity in scrap metal that is being imported into the United States. This is a problem that has just recently come to our attention during field hearings with the steel industry in Pittsburgh, Pennsylvania, and we would like to take some action on that.

Currently, the United States has no standard to control the free release of radioactive contaminated scrap metal. Those metals are being recycled into consumer and industrial products and then are being sold on open commerce. Nor is there an international standard that tells us if there is a safe level of radioactivity in these metals that are recycled.

There is tremendous public opposition to any radioactive metal being included in consumer products like the silverware that we eat with or the pots and pans that we cook with or the cans that our food may come in or baby carriage handles or braces on one's teeth, or belt buckles. The steel industry does not want any radioactive scrap metal in its blast furnaces because it could contaminate the entire steel mill and the cleanup could cost $15 million to $20 million if that occurs. We are asking for a relatively modest sum to be able to monitor this amount of money.

As we decommission more and more of our nuclear weapons facilities around the world and our nuclear power plants around the world, there are literally hundreds of millions of tons of contaminated scrap metal that will have to be dealt with. The Nuclear Regulatory Commission is in the process of seeing if a standard can be established.

While this is underway, the Department of Energy has put a moratorium on the release of any contaminated metal. DOE is studying whether it is economical to have a dedicated steel facility that produces goods for the complex that will use this metal. I fully support those steps.

However, in the meantime, there have been at least 50 incidents of undetected contaminated metals coming into this country from overseas. Currently, Customs agents at truck ports wear radiation detectors around their belts like a pager. These detectors are only sophisticated enough to detect the really hot items of 10 millirems or higher. The funds we are asking for today would allow for the purchase of portal monitors that trucks can drive through which can detect radiation levels as low as 1 millirem.

Mr. Chairman, this program will not stop shipments of scrap metal from going to the recipients. It will, however, identify those shipments that are contaminated and will also provide the information necessary to determine whether importation of radioactive metals is a problem that deserves further attention.

After one year, I will ask the Customs Service to provide a report to the Congress on the results of this radioactive test monitoring.

Mr. Chairman, the American public, the American steel industry, and those who work in that steel industry deserve the same protections, regardless of the source of the metal that is going into these products. This amendment would provide the funds to make that happen, and I ask the chairman and the ranking member for their support of this amendment. It is a nonpartisan amendment, and it is one that is intended to protect the public and the workers in the steel industry.

□ 1615

Mr. KOLBE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take 5 minutes. I have mixed views about this. I understand what the gentleman is trying to do. I would just point out that this comes out of the Inspector General's account. This is the account that we regard as the one we expect to do the oversight for the IRS and all the other functions in Treasury.

Now, in an account that has over $100 million, maybe losing $1 million of that is not that significant. But we do not really know exactly what the impact of this will be in terms of their oversight functions.

I am also a little unclear as to exactly, and I know the gentleman has talked about it being a demonstration project, but I am a little unclear as to exactly how this would work, what the $950,000 is going to be used for.

There have not been any hearings, as I understand it, in front of the Committee on Commerce. There has been no work done by the authorizing committee on this. I think this needs more information and more discussion before we would proceed with it.

For that reason, I would just say that I think this amendment may be an inappropriate amendment at this point.

Mr. KLINK. Mr. Chairman, will the gentleman yield?

Mr. KOLBE. I yield to the gentleman from Pennsylvania.

Mr. KLINK. Mr. Chairman, I appreciate the gentleman's concerns. To address them, we have been working in the Committee on Commerce, and while we have not had hearings, we have been working on this in a bipartisan fashion trying to address this issue.

We have a piece of legislation separate from this that is a bipartisan piece of legislation, the bipartisan Steel Caucus is in support of it, called the Scrap Act. We are trying to move that forward at this time.

The figure we came up with is not one that was pulled out of the air, it is one that they tell us, for the two main ports that we have to address where we are most concerned, and these concerns are throughout the government, we are most concerned that this scrap would be coming in from Mexico and South America and the Far East. We can take care of those two main ports.

The reason we chose this account, and I understand, I do not like to cut the Inspector General either, but this account was plussed up by $7 million. We do not think that taking $950,000 from that account would be a problem. It is $7 million higher in 2001 than in 2000. I thank the gentleman for his courtesy.

Mr. KOLBE. Reclaiming my time, Mr. Chairman, I would just note that in full committee, the gentleman may not be aware of this, but this account already was reduced by $2 million over the amount that was planned for. This is another $1 million out of that.

In terms of meeting current services and paying the pay increases for the people that are already there doing the jobs of oversight, it will have an effect on that, there is no question about it. But I just raise these questions.

Mr. WAMP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman's amendment raises an important issue which I come to the floor today to discuss. That is the overall issue of metals recycling in this country.

I certainly support the gentleman on steel issues and these import questions, and think the intent of his amendment is worthwhile. But I want to come today and express some frustration.

Being a representative of one of the major components of the Manhattan Project in this country, Oak Ridge, Tennessee, where we won the Cold War and broke the back of communism with a nuclear buildup, we now have this challenge, as the gentleman from Pennsylvania well stated, of what to do with this nuclear legacy and how to turn this environmental liability

around, and what to do with these assets.

We have to reindustrialize these assets at some point, in some way. My frustration is that the Department of Energy announced a sweeping plan to tear down these buildings and melt the metals, and where science and the best intelligence that we can find shows that the levels of radiation are below any reasonable standard, then we could put that recycled metal back into the marketplace.

That is where I thought we were when they began this reindustrialization effort and announced what they called a win-win-win situation for the American taxpayer. We could actually recycle the metal and help pay for the clean-up, because these buildings, these huge assets, cannot just sit there in a mothballed state. The maintenance cost is too high. We need to turn them around and put the land and buildings back into some kind of productive use.

We have buildings in Oak Ridge, Tennessee, that are acres and acres and acres under one roof from the Manhattan Project that need to be turned over. We cannot just maintain them at this high cost. So there is a shared national interest in trying to clean up this environmental legacy.

I just want to make sure that science and common sense drives this train, and that hysteria or some special interest groups do not end up winning the day on these issues.

I want to say I am frustrated. I am frustrated because the Department of Energy on July 7 officially retreated from their own program, the one that Secretary Richardson rolled out as a win-win-win, and now they have retreated. They have said no recycling pending the study that may not take place for 2 years.

I am all for the study, but all the studies that I have seen show that we get more radiation from salt substitute than we get from any of these things. Radiation is natural in our environment. Radiation we get from flying on airplanes. We get radiation from a variety of things.

Radiation is not the issue, the level of radiation is the issue. If it is very, very, very low level radiation that is not anywhere near what we would get going to the dentist, it is ridiculous to halt it.

What has happened in East Tennessee by halting it is people are now sent home with no pay pending all these studies, pending the outcomes in a program that DOE initiated.

I would ask the administration to get its act together, to be consistent, at least to follow through on what they say, and do not just send workers, good and decent people in my region now, hundreds of them that are going to be sent home or they have been sent home indefinitely to just wait, and wait on what, I do not know.

I called the Secretary today and he said he would meet me about it next week. I am asking for some answers. I am asking for consistency. I am asking for some solutions for the folks of East Tennessee and the Oak Ridge reservation that have been called on to turn these buildings around, because they are now left hanging because this administration cannot figure out exactly what it wants.

Mr. KLINK. Mr. Chairman, will the gentleman yield?

Mr. WAMP. I yield to the gentleman from Pennsylvania.

Mr. KLINK. Mr. Chairman, I would look forward to working with my friend, the gentleman from Tennessee, because he brings to light a very real situation that we are faced with today. We are all in favor of getting these buildings cleaned up. The question is, the Federal government has not set a level, and we think a level should be set for those things that are volumetrically contaminated.

We would work with the gentleman. I know he is very serious on this. We have worked together on other issues before. This amendment does not get to the gentleman's point. This is about those things that are imported from China, from Russia, from South America, that we do not know, and as the gentleman knows, 60 percent of steel that is produced today is recycled.

They could be doing things over there that we do not know about. We want to catch it at our ports. It has nothing to do with the domestic content.

Mr. WAMP. Reclaiming my time, I am in total agreement with that. I understand that. I am in support of that. I just use this opportunity to say, please, Administration, give us clear direction. Let our workers know, are we going to clean this up or not? If they do not want us to clean it up, what are we going to do with it, because we need a policy that says, let us clean up the Cold War legacy, let us put people to work and keep them to work until the job is done. Let us not pull the rug out from under them. They are left in limbo. Even over this very weekend that is in front of us, workers in East Tennessee do not know if they are supposed to go back to work or not.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I share the chairman's concern, as I expressed in the last amendment, about the offset. However, this is much less of an offset of a relatively modest number. I was trying to glean carefully what the chairman was saying. I am not going to oppose this amendment. I think the gentleman's amendment is a worthwhile objective.

Again, I am hopeful that we will get the requisite number of dollars so we can, in addition to the dollars the gentleman is seeking, which are relatively modest for this objective, we can add back into the Inspector General so we do not underfund that, because the chairman is absolutely correct, we cannot further decrease this account.

Mr. MASCARA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the Klink amendment. The funds in this amendment will be used to purchase monitoring equipment by the Customs Service to ensure that contaminated metal products do not enter the United States.

Currently, Customs agents use radiation detectors to monitor possible contamination of products entering our country. However, the current equipment used by Customs agents is grossly inadequate. The current equipment employed cannot consistently detect radiation levels that are dangerous to human health. Consumers should not have to worry if their cars or their kitchen utensils are radioactive.

Mr. Chairman, this is a commonsense, nonpartisan amendment that my colleague, the gentleman from Pennsylvania, has offered. This is an issue of public health and consumer safety. We can all agree that American consumers should be confident that the products they buy are safe.

By giving the Customs Service the tools to better do their jobs, we can be sure that products entering the country are safe and free from contamination.

Therefore, I urge my colleagues to vote yes on this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. KLINK).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

Mr. BLUMENAUER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the most powerful tool the Federal government has to make our communities more livable is not necessarily a rule, regulation, or a mandate placed upon the public, but simply to play by the same rules as the rest of America, to have Federal agencies like the United States Post Office obey the same rules and regulations that we require homeowners and businesses to follow.

There are over 40,000 post offices across America. They are both the symbols of how we connect to one another and of a very real part of each and every community. Time and time again we find that the post office on Main Street anchors the business opportunity. It is a source of pride for people in local communities. Often it is an historic structure.

Each of these post offices is an opportunity for the Federal government to promote livability by being a more constructive partner. While there are many legitimate efforts and real progress by the postal service in some

areas, I see too many examples where the post office has fallen short of the mark.

A good example is to be found in my own hometown of Portland, Oregon, where land use planning has been a hallmark for a generation. There is perhaps no American community that has worked harder to manage growth. Most recently, our community has finished a 20–40 growth plan to prepare for growth over the next 40 years. It involved over 17,000 citizens, businesses, and all the local governments for 5 years.

Yet, the postal service, with over 500 facilities in a fast-growing region, acknowledging that it is playing serious catch-up, made no attempt to coordinate its facilities with the planning of the rest of the community.

Knowing where growth would be concentrated in the years ahead would have enabled the postal service to make strategic facilities decisions in a way that would take advantage of change, rather than trying to continue to play catch-up. The Federal government cannot afford to pursue independent strategies on its own. Opportunities in this case were lost for coordinated planning to avoid mistakes and save money, time, and effort.

Too often the postal service uses its exemption from local land use laws to avoid making investments that would be prudent not just for the community but for its own customers. Again, in my own community, I had a post office under construction where the city received a communication from the postal service that they would not cooperate with us because they were immune from all local laws.

Despite the fact that any other business or the city itself would have been required to, for instance, put in pedestrian sidewalks, the postal service decided they would not even accede to this modest requirement. We got them to put in half the sidewalks only by threatening to block the entrance to their facility.

To assist the post office in partnering with communities, I have introduced the Community Partnership Act, which would require the postal service to obey local land use laws and planning laws and environmental regulations and to work with local citizens before they make decisions that could have a wrenching effect on communities.

It is ironic that our postal service gives the public more input into what version of the Elvis stamp we are going to print than on decisions that could be literally life or death for small town America.

I am pleased that our legislation, H.R. 670, has a Senate companion bill by Senators BAUCUS and JEFFORDS, and that they have attracted a broad coalition of supporters, including Governors, mayors, cities and counties, a host of preservation action groups, and I believe is the only environmental priority of both the National Association of Homebuilders and the Sierra Club.

With its 240 bipartisan sponsors, this bill would easily pass if it were brought to the floor for a vote. I will continue to work with the bill's supporters on and off the Hill, and hope that we can achieve floor action.

But in the meantime, I would hope that the leadership of this Chamber and the conferees on the Postal-Treasury bill would at least include language that would encourage the postal service to, at a minimum, make public their capital plans for communities as a result of their 5-year capital investment plan.

□ 1630

In Blackshear, Georgia, last year, the public was notified that their post office might be moved in less than a month. The service management delivered the verdict that it would be closed, a new one would be built, and a new site was chosen on a highway away from town.

Now a great fight has ensued with the Rotary Club, the chamber of commerce, the American Legion, their local historical society, both the Republicans and the Democrats joining with over 1,000 postal patrons in opposing the move.

The CHAIRMAN. The time of the gentleman from Oregon (Mr. BLUMENAUER) has expired.

(By unanimous consent, Mr. BLUMENAUER was allowed to proceed for 10 additional seconds.)

Mr. BLUMENAUER. Mr. Chairman, this type of pitched battle does not have to occur if the postal service would start working with our communities earlier. I would hope that this committee would bring its good offices together to encourage that common sense approach.

The CHAIRMAN. Are there further amendments to title I?

Mr. HOYER. Mr. Chairman, I move to strike the last word simply to say to the gentleman from Oregon (Mr. BLUMENAUER), who focuses on the quality of life in our communities more than any other Member of this House and who raises a very important issue. We have also discussed this in our committee. Obviously, there is discussion between ourselves and the authorizing committees. But I want to assure the gentleman that I intend to give this very great attention.

I look forward to working with the chairman on this issue to see if we can come up with language which will encourage, maybe will not go further than that, a better performance with respect to the post office cooperation with local communities to ensure the objectives the gentleman spoke of.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will read.

The Clerk read as follows:

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code, $96,093,000, of which $67,093,000 shall not be available for obligation until October 1, 2001: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That 6-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in fiscal year 2001.

Mr. BILBRAY. Mr. Chairman, I move to strike the last word. I would like to engage in a colloquy with the gentleman from Arizona (Chairman KOLBE).

Mr. Chairman, I rise today to commend the chairman and the ranking member for increasing funding that they have included in this bill for firearm-related issues, specifically: $62.2 million to expand the Integrated Violence Reduction Strategy; 76.4 million to expand the Youth Crime Gun Interdiction Initiative, which will expand to 12 more cities, a total of 50 now, which includes the rapid gun tracing analysis to allow State and local law enforcement and new ATF agents to work in a task force operation with local law enforcement for illegal arms investigation; $26.4 million to support ATF's Ballistic Identification System; and $25 million for a nationwide comprehensive gun tracing.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. BILBRAY. Yes, I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank the gentleman from California (Mr. BILBRAY) for underscoring the fact that this bill is about making our laws work for the safety of all citizens and especially for our children.

All the laws of the world that we might pass are not going to make a difference if we do not put an effort behind them to enforce them, and that is one of the things that I think every Member of this House believes in and can support, regardless of what side of the aisle we are on and wherever we might stand on the issue of gun use and gun ownership.

Mr. BILBRAY. Mr. Chairman, I would like to also thank the gentleman from Arizona for showing the type of bipartisanship and the ability to set politics aside. I think the gentleman from Maryland (Mr. HOYER), ranking

member, ought to be commended along with the gentleman from Arizona for working on the common goal of allocating additional funds to enforce existing laws in combatting gun violence.

As a supporter of moderate gun safety legislation measures in the past, and in fact the items that are being discussed by the Senate-House Conference Committee at this time, I think we all can agree that it is important that we allocate necessary funds to those agencies tasked with enforcing existing laws. It has been an important goal of mine and many of my colleagues that we focus on those laws that combat gun violence and provide additional funding to the Federal, local, and State agencies in charge of enforcement. The gentleman has seized this opportunity with this bill through this appropriation process to achieve this goal, and I commend the gentleman for it, and his committee and his ranking member.

Now, Mr. Chairman, as the gentleman is aware, I wrote a letter to the gentleman from Arizona regarding this issue last year, and I will submit the letter for the RECORD.

But I just want to stop a second and say to the chairmen and ranking members, during these appropriation processes, many Members will stand up on the floor and talk about provisions that were not included in the legislation or in the appropriations bill.

I just thought it was important for me as just one Member of this body to stand up and include a ''thank you'' for having this funding and this focus there. I look forward to working with the committee at reducing gun violence by implementing common sense gun safety laws, but more importantly in focusing on enforcing those laws and making them actually work.

Mr. Chairman, the letter I referred to is as follows:

HOUSE OF REPRESENTATIVES,
CONGRESS OF THE UNITED STATES,
Washington, DC, April 7, 2000.

Hon. JIM KOLBE,
Chairman, Subcommittee on Treasury, Postal Service and General Government, Committee on Appropriations, Rayburn HOB, Washington, DC.

DEAR CHAIRMAN KOLBE: I am requesting your support in the Fiscal Year 2001 Treasury, Postal Service and General Government Appropriations Act to increase funds for those programs designed to reduce youth gun violence, prosecute criminals who commit crimes using a firearm, and enforce existing gun laws.

While I support moderate gun safety measures being discussed in the Senate-House Conference Committee, such as requiring trigger locks on new guns and to close the loophole on background checks on individuals who purchase firearms at gun shows. I also believe it is essential that we focus on those existing laws that combat gun violence and provide additional funds to those federal, local and state agencies in charge of enforcing these laws.

I understand the difficult choices that need to be made in the current era of operating under a balanced budget, but it is my belief that a top priority during the upcoming appropriation process should be to allocate additional funding for the Department's of Justice and Treasury. Specific funds that will enable law enforcement agents to continue implementing and administering those laws that will enable law enforcement agents to continue implementing and administering those laws that will keep firearms out of the hands of felons and potential criminals. Additionally, increasing funds to hire new prosecutors and to expand intensive firearm prosecutions will aid in keeping these law breaking criminals off the streets.

As the Senate-House Conference Committee debate the issues surrounding gun control, it is important that this Congress work concurrently by allocating funds to enforce existing laws. This is a bipartisan issue that can lead to real results and I would like to assist in any way to bring these goals forward.

Mr. Chairman, please feel free to contact me for any additional information. Thank you for your consideration of this issue.

Sincerely,

BRIAN P. BILBRAY,
Member of Congress.

Mr. KOLBE. Mr. Chairman, I thank the gentleman for his comments.

Mr. BASS. Mr. Chairman, I move to strike the last word for purposes in engaging in a colloquy with the distinguished gentleman from Arizona (Chairman KOLBE).

Mr. KOLBE. Mr. Chairman, if the gentleman will yield, I will be happy to engage in a colloquy.

Mr. BASS. Mr. Chairman, I first want to thank the gentleman from Arizona (Mr. KOLBE) for his committee's work in protecting many important priorities in this bill. I also want to express my gratitude for his generosity and patience regarding a matter of great importance to my district and the many districts that have point-of-entry border crossings into Canada.

I would like to ask the gentleman from Arizona if he would agree to protect the language on rural border staffing and hours of operation as this legislation moves forward and if he will agree to work with me to ensure that the hours of operation at the Pittsburgh-New Hampshire border station and all such rural crossings reflect the security concerns and the concerns of many citizens who depend on open and accessible borders.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. BASS. I certainly yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I want to thank the gentleman from New Hampshire (Mr. BASS) for the issue that he has raised and the efforts that he has made to make my subcommittee and our staff aware of the problems that exist along his border.

I share his concerns, both about the security and about operational issues on the border, and I look forward to working with the gentleman as this bill moves forward through the conference.

Mr. BASS. Mr. Chairman, reclaiming my time, I thank the gentleman from Arizona for that commitment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

This title may be cited as the ''Postal Service Appropriations Act, 2001''.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The text of title III is as follows:

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

COMPENSATION OF THE PRESIDENT AND THE WHITE HOUSE OFFICE

COMPENSATION OF THE PRESIDENT

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $390,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31, United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President, $52,135,000: *Provided*, That $9,072,000 of the funds appropriated shall be available for reimbursements to the White House Communications Agency.

EXECUTIVE RESIDENCE AT THE WHITE HOUSE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating, and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President, $10,286,470 to be expended and accounted for as provided by 3 U.S.C. 105, 109, 110, and 112–114.

REIMBURSABLE EXPENSES

For the reimbursable expenses of the Executive Residence at the White House, such sums as may be necessary: *Provided*, That all reimbursable operating expenses of the Executive Residence shall be made in accordance with the provisions of this paragraph: *Provided further*, That, notwithstanding any other provision of law, such amount for reimbursable operating expenses shall be the exclusive authority of the Executive Residence to incur obligations and to receive offsetting collections, for such expenses: *Provided further*, That the Executive Residence shall require each person sponsoring a reimbursable political event to pay in advance an amount equal to the estimated cost of the event, and all such advance payments shall be credited to this account and remain available until expended: *Provided further*, That

the Executive Residence shall require the national committee of the political party of the President to maintain on deposit $25,000, to be separately accounted for and available for expenses relating to reimbursable political events sponsored by such committee during such fiscal year: *Provided further*, That the Executive Residence shall ensure that a written notice of any amount owed for a reimbursable operating expense under this paragraph is submitted to the person owing such amount within 60 days after such expense is incurred, and that such amount is collected within 30 days after the submission of such notice: *Provided further*, That the Executive Residence shall charge interest and assess penalties and other charges on any such amount that is not reimbursed within such 30 days, in accordance with the interest and penalty provisions applicable to an outstanding debt on a United States Government claim under section 3717 of title 31, United States Code: *Provided further*, That each such amount that is reimbursed, and any accompanying interest and charges, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That the Executive Residence shall prepare and submit to the Committees on Appropriations, by not later than 90 days after the end of the fiscal year covered by this Act, a report setting forth the reimbursable operating expenses of the Executive Residence during the preceding fiscal year, including the total amount of such expenses, the amount of such total that consists of reimbursable official and ceremonial events, the amount of such total that consists of reimbursable political events, and the portion of each such amount that has been reimbursed as of the date of the report: *Provided further*, That the Executive Residence shall maintain a system for the tracking of expenses related to reimbursable events within the Executive Residence that includes a standard for the classification of any such expense as political or nonpolitical: *Provided further*, That no provision of this paragraph may be construed to exempt the Executive Residence from any other applicable requirement of subchapter I or II of chapter 37 of title 31, United States Code.

WHITE HOUSE REPAIR AND RESTORATION

For the repair, alteration, and improvement of the Executive Residence at the White House, $658,000, to remain available until expanded, for projects for required maintenance, safety and health issues, Presidential transition, telecommunications infrastructure repair, and continued preventive maintenance.

SPECIAL ASSISTANCE TO THE PRESIDENT AND THE OFFICIAL RESIDENCE OF THE VICE PRESIDENT

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,664,000.

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $354,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

COUNCIL OF ECONOMIC ADVISERS

SALARIES AND EXPENSES

For necessary expenses of the Council of Economic Advisers in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $3,997,000.

OFFICE OF POLICY DEVELOPMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, $4,030,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109, $7,148,000.

OFFICE OF ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles $41,185,000, of which $8,893,000 shall remain available until September 30, 2002, for a capital investment plan which provides for the continued modernization of the information technology infrastructure.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $67,143,000, of which not to exceed $5,000,000 shall be available to carry out the provisions of chapter 35 of title 44, United States Code: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committees on Appropriations or the Committees on Veterans' Affairs or their subcommittees: *Provided further*, That the preceding shall not apply to printed hearings released by the Committees on Appropriations or the Committees on Veterans' Affairs.

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of division C of Public Law 105–277); not to exceed $8,000 for official reception and representation expenses; and for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement, $24,759,000, of which $2,100,000 shall remain available until expended, consisting of $1,100,000 for policy research and evaluation, and $1,000,000 for the National Alliance for Model State Drug Laws: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, public and private, without fiscal year limitation, for the purpose of aiding or facilitating the work of the Office.

COUNTERDRUG TECHNOLOGY ASSESSMENT CENTER

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Counterdrug Technology Assessment Center for research activities pursuant to the Office of National Drug Control Policy Reauthorization Act of 1998 (title VII of Division C of Public Law 105–277), $29,750,000, which shall remain available until expended, consisting of $16,000,000 for counternarcotics research and development projects, $13,050,000 for continued operation of the technology transfer program, and $700,000 for a grant to the United States Olympic Committee for its anti-doping program: *Provided*, That the $16,000,000 for counternarcotics research and development projects shall be available for transfer to other Federal departments or agencies.

FEDERAL DRUG CONTROL PROGRAMS

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $192,000,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than 51 percent shall be transferred to State and local entities for drug control activities, which shall be obligated within 120 days of the date of the enactment of this Act: *Provided*, That up to 49 percent, to remain available until September 30, 2002, may be transferred to Federal agencies and departments at a rate to be determined by the Director: *Provided further*, That, of this latter amount, $1,800,000 shall be used for auditing services.

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities to support a national anti-drug campaign for youth, and other purposes, authorized by Public Law 105–277, $219,000,000, to remain available until expended: *Provided*, That such funds may be transferred to other Federal departments and agencies to carry out such activities: *Provided further*, That of the funds provided, $185,000,000 shall be to support a national media campaign, as authorized in the Drug-Free Media Campaign Act of 1998: *Provided further*, That of the funds provided, $30,000,000 shall be to continue a program of matching grants to drug-free communities, as authorized in the Drug-Free Communities Act of 1997: *Provided further*, That of the funds provided, $1,000,000 shall be available to the Director for transfer as a grant to the National Drug Court Institute: *Provided further*, That of the funds provided, $3,000,000 shall be available for transfer to, or reimbursement of, other Federal departments and agencies to support the operations of the Counterdrug Intelligence Executive Secretariat.

This title may be cited as the ''Executive Office Appropriations Act, 2001''.

The CHAIRMAN. Are there amendments to title III?

If not, the Clerk will read.

The Clerk read as follows:

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92–28, $4,158,000.

Mr. KOLBE. Mr. Chairman, I ask unanimous consent that the remainder of title IV be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The text of the remainder of title IV is as follows:

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended, $40,240,000, of which no less than $4,689,500 shall be available for internal automated data processing systems, and of which not to exceed $5,000 shall be available for reception and representation expenses.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, and rental of conference rooms in the District of Columbia and elsewhere, $25,058,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

REAL PROPERTY ACTIVITIES

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(INCLUDING TRANSFER OF FUNDS)

To carry out the purpose of the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)), the revenues and collections deposited into the Fund shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, and any other obligations for public buildings acquired by installment purchase and purchase contract; in the aggregate amount of $5,272,370,000 of which (1) $490,592,000 shall remain available until expended for repairs and alterations which includes associated design and construction services, of which $290,000,000 shall be available for basic repairs and alterations: *Provided*, That funds made available in any previous Act in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount identified for each project, except each project in any previous Act may be increased by an amount not to exceed 10 percent unless advance approval is obtained from the Committees on Appropriations of a greater amount: *Provided further*, That the amounts provided in this or any prior Act for ''Repairs and Alterations'' may be used to fund costs associated with implementing security improvements to buildings necessary to meet the minimum standards for security in accordance with current law and in compliance with the reprogramming guidelines of the appropriate Committees of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading ''Repairs and Alterations'', may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 2002, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading ''Repairs and Alterations'' or used to fund authorized increases in prospectus projects; (2) $185,369,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (3) $2,944,905,000 for rental of space which shall remain available until expended; and (4) $1,580,909,000 for building operations which shall remain available until expended, of which $500,000 shall be available to conduct a site selection analysis for a replacement facility for the National Center for Environmental Prediction of the National Oceanic and Atmospheric Administration: *Provided further*, That funds available to the General Services Administration shall not be available for expenses of any construction, repair, alteration and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses for the development of a proposed prospectus: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 2001, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,272,370,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

GENERAL ACTIVITIES

POLICY AND OPERATIONS

For expenses authorized by law, not otherwise provided for, for Government-wide policy and oversight activities associated with asset management activities; utilization and donation of surplus personal property; transportation; procurement and supply; Government-wide responsibilities relating to automated data management, telecommunications, information resources management, and related technology activities; utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; agency-wide policy direction; Board of Contract Appeals; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses, $115,434,000, of which $14,659,000 shall remain available until expended: *Provided*, That none of the funds appropriated from this Act shall be available to convert the Old Post Office at 1100 Pennsylvania Avenue in Northwest Washington, D.C., from office use to any other use until a comprehensive plan, which shall include street-level retail use, has been approved by the Committees on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works: *Provided further*, That no funds from this Act shall be available to acquire by purchase, condemnation, or otherwise the leasehold rights of the existing lease with private parties at the Old Post Office prior to the approval of the comprehensive plan by the Committees on Appropriations, the House Committee on Transportation and Infrastructure, and the Senate Committee on Environment and Public Works.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $34,520,000: *Provided*, That not to exceed $15,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138, $2,517,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL SERVICES ADMINISTRATION—GENERAL PROVISIONS

SEC. 401. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 402. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 403. Funds in the Federal Buildings Fund made available for fiscal year 2001 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements: *Provided*, That any proposed transfers shall be approved in advance by the Committees on Appropriations.

SEC. 404. No funds made available by this Act shall be used to transmit a fiscal year 2002 request for United States Courthouse construction that (1) does not meet the design guide standards for construction as established and approved by the General Services Administration, the Judicial Conference of the United States, and the Office of Management and Budget; and (2) does not reflect the priorities of the Judicial Conference of the United States as set out in its approved 5–year construction plan: *Provided*, That the fiscal year 2002 request must be accompanied by a standardized courtroom utilization study of each facility to be constructed, replaced, or expanded.

SEC. 405. None of the funds provided in this Act may be used to increase the amount of occupiable square feet, provide cleaning services, security enhancements, or any other service usually provided through the Federal Buildings Fund, to any agency that does not pay the rate per square foot assessment for space and services as determined by the General Services Administration in compliance with the Public Buildings Amendments Act of 1972 (Public Law 92–313).

SEC. 406. Funds provided to other Government agencies by the Information Technology Fund, General Services Administration, under 40 U.S.C. 757 and sections 5124(b) and 5128 of Public Law 104–106, Information Technology Management Reform Act of 1996, for performance of pilot information technology projects which have potential for Government-wide benefits and savings, may be repaid to this Fund from any savings actually incurred by these projects or other funding, to the extent feasible.

SEC. 407. From funds made available under the heading ''Federal Buildings Fund, Limitations on Availability of Revenue'', claims against the Government of less than $250,000 arising from direct construction projects and acquisition of buildings may be liquidated from savings effected in other construction projects with prior notification to the Committees on Appropriations.

SEC. 408. Section 411 of Public Law 106–58 is amended by striking ''April 30, 2001'' each place it appears and inserting ''April 30, 2002''.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $28,857,000, together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

FEDERAL PAYMENT TO MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

For payment to the Morris K. Udall Scholarship and Excellence in National Environmental Policy Trust Fund, to be available for the purposes of Public Law 102–252, $2,000,000, to remain available until expended.

ENVIRONMENTAL DISPUTE RESOLUTION FUND

For payment to the Environmental Dispute Resolution Fund to carry out activities authorized in the Environmental Policy and Conflict Resolution Act of 1998, $1,250,000, to remain available until expended.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives (including the Information Security Oversight Office) and archived Federal records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $195,119,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to provide adequate storage for holdings.

REPAIRS AND RESTORATION

For the repair, alteration, and improvement of archives facilities, and to provide adequate storage for holdings, $5,650,000, to remain available until expended.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $6,000,000, to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978 and the Ethics Reform Act of 1989, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses, $9,684,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia and elsewhere; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order No. 10422 of January 9, 1953, as amended; and payment of per diem and/or subsistence allowances to employees where Voting Rights Act activities require an employee to remain overnight at his or her post of duty, $93,471,000; and in addition $101,986,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of printed materials, for the retirement and insurance programs, of which $10,500,000 shall remain available until expended for the cost of automating the retirement recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by sections 8348(a)(1)(B) and 8909(g) of title 5, United States Code: *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order No. 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order No. 11183 of October 3, 1964, may, during fiscal year 2001, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles, $1,360,000; and in addition, not to exceed $9,745,000 for administrative expenses to audit, investigate, and provide other oversight of the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849) such sums as may be necessary.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944 and the Act of August 19, 1950 (33 U.S.C. 771–775) may hereafter be paid out of the Civil Service Retirement and Disability Fund.

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $10,319,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109, $37,305,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the ''Independent Agencies Appropriations Act, 2001''.

The CHAIRMAN. Are there amendments to title IV?

AMENDMENT NO. 5 OFFERED BY MR. QUINN

Mr. QUINN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. QUINN:

H.R. 4871

In the item relating to ''GENERAL SERVICES ADMINISTRATION—FEDERAL BUILDINGS FUND—LIMITATIONS ON AVAILABILITY OF REVENUE''—

(1) after the first and last dollar amounts, insert ''(increased by $3,600,000)'';

(2) redesignate paragraphs (1) through (4) as paragraphs (2) through (5), respectively; and

(3) before paragraph (2) (as so redesignated), insert the following:

(1) $3,600,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New York:

Buffalo, U.S. courthouse, $3,600,000;

Mr. KOLBE. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Arizona reserves a point of order.

Mr. QUINN. Mr. Chairman, today I rise to urge my colleagues to support funding for courthouse construction projects in the fiscal year 2001 Treasury, Postal and General Government Appropriations bill.

Specifically, I want to highlight a local concern of ours up in Buffalo, New York, and ask that we consider providing $3.6 million for site acquisition and design work on a Federal courthouse in my district in western New York.

The President's fiscal year 2001 budget resolution includes funding for eight Federal courthouse projects nationwide, totalling over $480 million. However, the bill before us today contains no funding for courthouse construction projects.

The Administrative Office of the United States Courts has ranked the project in Buffalo, New York, as seventh highest as a priority across the country, seventh highest; and yet it has not been included in the President's budget.

So I have actively lobbied colleagues of ours up in New York, the gentleman from New York (Mr. LAFALCE) and others, to assist us in making certain that people here in our Nation's capital know of the importance. Unfortunately, because of tight budget constraints, our pleas have not been answered.

So I would like to take this opportunity today to stress the importance of the project and to ask the gentleman from Arizona (Mr. KOLBE), the distinguished chairman, to agree to work with us on this project.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. QUINN. Certainly, I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I appreciate the gentleman from New York yielding to me, and I appreciate the comments that he has made.

I share the concern that the gentleman has, first, that we are not able to do any of the courthouse funding and construction that we would like to do. We have a significant need for infrastructure in this country, and the longer we postpone building courthouses, the more difficult it gets. So I am concerned about that. I hope that perhaps an additional allocation of funds might make it possible for us to do some of the courthouse construction.

We also know that courthouse construction is a priority for a number of Members whose districts are affected by that. Buffalo, while it is number six on the priority list for the courts, was not included in one of the seven projects which the administration recommended be funded, a moot point, as I said, because we did not recommend funding any of these.

But I look forward very much to working with the gentleman from New York (Mr. QUINN) and with other Members of his delegation as we move forward on the construction to be sure that this priority that the courts have held for this is adhered to and that we are able to fund this in a timely fashion.

Mr. QUINN. Mr. Chairman, reclaiming my time, I thank the gentleman from Arizona (Mr. KOLBE). I only want to conclude by saying that I appreciate the tough, tough job that he has with these budget constraints, and everybody has these concerns. But I appreciate the time of the gentleman from Arizona and the efforts of the full committee.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Are there further amendments?

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the reason I do so is, I understand that the gentleman from Maryland (Mr. WYNN) is on his way. He is going to offer an amendment and withdraw it. But he wants to make the point similar to the gentleman from New York (Mr. QUINN) with reference to the FDA consolidation at White Oak, which is in his district.

The President included over $100 million for the FDA consolidation in his request. That is a consolidation which was supported by the Reagan administration, by the Bush administration, and now the Clinton administration to save very substantial dollars in terms of leases that exist all over the Washington metropolitan region with respect to the FDA.

Some of those leaseholds are very aged and very inefficient. The fact that FDA is spread over such a wide area leads to a lack of efficiency in the operations of its responsibilities.

I know the gentleman from Maryland (Mr. WYNN), when he gets here, will make it very clear that this is something that we think is supported in a bipartisan fashion.

This is an item that was not included in the budget, as was the Buffalo courthouse project that the gentleman from New York (Mr. QUINN) just referred to because of the fact that we had insufficient funds. However, I know that the administration will be looking very carefully at this bill as it moves through the process and is very supportive of adding the FDA money back in as it is in adding the courthouse money back in as well as I know the chairman is. So I am hopeful that we will have the requisite dollars to get there.

The facility in question, which, again, is in the district of the gentleman from Maryland (Mr. WYNN) is a

facility which is vitally needed. It is a facility that has been in this administration's plans and certainly the Bush administration's in terms of planning.

To delay this, as I said in my opening comments, will cost millions of dollars because it will prolong the payment to leaseholds and leasehold expenses as we fail to consolidate and provide space at the White Oak site.

The particular project in question is a little over $100 million for lab space for FDA and additional office space as well. It will be a more efficient and effective use of space than currently exists.

□ 1645

So that I would hope that we could see that amount added to the bill at the appropriate time.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, since the gentleman from Maryland, I know, is trying very well to use up some time here while he is waiting for his colleague to arrive, I would just suggest we do have one Member here who does have a colloquy prepared, if he would like to yield back.

Mr. HOYER. Mr. Chairman, I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, I move to strike the last word, and I rise to engage in a colloquy with the gentleman from Arizona.

Mr. Chairman, the underlying bill directs the U.S. Customs Service that it shall not, in the event of a reorganization of field operations, reduce the level of service to the area served by the port of Racine, Wisconsin, below the level of service provided in the year 2000.

As the gentleman from Arizona knows, earlier this year, the U.S. Customs Service issued a notice of proposed rulemaking announcing their intention to close down their operations in Racine, Wisconsin. Unfortunately, the U.S. Customs Service continues to disregard the Racine community and the negative impact this proposal would have on southeastern Wisconsin.

I thank the gentleman for recognizing the need for continued Customs Service in Racine and including this requirement in the underlying bill. I want to take this opportunity to clarify that Racine will receive no change in service under any proposal put forth by the U.S. Customs Service.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. RYAN of Wisconsin. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I want to compliment the gentleman from Wisconsin for his work in this area. In fact, I can say with absolute certainty, no issue in this bill has been raised more times by any Member in this body than this issue has by the gentleman from Wisconsin (Mr. RYAN). So his defense of the interests of Racine, Wisconsin have been tremendous.

I appreciate the comments that he has made and understand what he is talking about, and I am very pleased that we could include statutory language, which I believe addresses this issue for him.

Mr. RYAN of Wisconsin. Mr. Chairman, reclaiming my time, I thank the gentleman from Arizona for his support and his efforts to address this very important matter.

I would just like to say, I have discussed this matter several times on several occasions with the gentleman from Arizona and I really appreciate the professionalism and the courtesy that has been extended toward me in this matter, and I want to thank the gentleman from Arizona on behalf of the residents of Racine, Wisconsin. This is exciting for us and we really appreciate all of the gentleman's help.

AMENDMENT OFFERED BY MR. WYNN

Mr. WYNN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYNN:

In title IV, add at the end (before the short title) the following section:

SEC. 6___. Of the amounts appropriated in title IV of this Act for the account ''GENERAL SERVICES ADMINISTRATION—REAL PROPERTY ACTIVITIES—FEDERAL BUILDINGS FUND—LIMITATION ON AVAILABILITY OF REVENUE'', $101,000,000 is transferred and made available for the design and construction of laboratory facilities for the Center for Drug Evaluation and Research, Food and Drug Administration.

Mr. WYNN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) reserves a point of order.

The gentleman from Maryland (Mr. WYNN) is recognized for 5 minutes in support of his amendment.

Mr. WYNN. Mr. Chairman, I begin by thanking my colleague from Maryland (Mr. HOYER) for holding the fort for me, as it were. This is a very important amendment to my district; very important to the entire State of Maryland. It deals with the consolidation of the Food and Drug Administration at a location in Montgomery County, Maryland, known as White Oak.

Currently, the FDA has approximately 39 different buildings in 21 different locations, housing 6,000 employees. The purpose of this project was to consolidate those buildings, employees and locations into one site, the former Naval Surface Warfare Center in White Oak in my district. Importantly, this amendment would allow for the construction and design of a 100,000-square-foot center for drug evaluation and research. This is a very important laboratory in the overall work of the Food and Drug Administration.

Equally important, or perhaps more importantly, the consolidation would result in significant savings. Specifically, we can save $200 million in lease costs over a 10-year period if we pass this amendment, which would allow for the construction of the Center for Drug Evaluation and Research Laboratory.

In addition to serving the purposes of the Food and Drug Administration, this project will also help fill a void left in my district with the closure of the Naval Surface Warfare Center. As my colleagues know, in the course of base closings some facilities were no longer needed. And in the process of determining which facilities were not needed, we also developed programs and processes which would basically say that while we are closing this facility, we are looking at other options. One of the options that was considered and, in fact, agreed upon, was to consolidate the Food and Drug Administration at this site. It is a very beautiful campus-like setting, a wooded facility that could easily house the Food and Drug Administration in an appropriate setting which concentrates and brings together all of their facilities.

We think this is a very important project, but we also understand that no construction projects were funded by the committee, and we are sensitive to the fact that we would not be given an inordinate preference in this case. I raise the amendment for purposes of increasing the profile of this particular issue in the hopes that the chairman would consider this project in the course of discussions in conference. I do not intend to press the amendment, but I believe this is an important project for the country in terms of consolidating the Food and Drug Administration, it is an important project for the community in Montgomery County and the Washington region in terms of having these facilities consolidated in an effective way and developing this new laboratory, and it is important for the taxpayers in terms of saving significant lease costs.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. WYNN. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I appreciate the gentleman yielding. Before he got to the floor here, the gentleman's colleague, the distinguished ranking member of this subcommittee, spoke eloquently about the project, and I concur.

This is a project that we have looked at very closely. There is no question that the consolidation of the Food and Drug Administration is badly needed,

and we have actually started that process. To me, it is a great disappointment that our bill requires the interruption of that process of consolidation. This is a very long-term process.

We do hope that in conference, if funds are made available, that we would be able to move this project forward into the second phase, and certainly we do understand the importance of this consolidation. So I appreciate the gentleman's rising and making us very aware of this and bringing this again to our attention.

Mr. WYNN. Reclaiming my time, Mr. Chairman, I thank the chairman for his thoughts.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. WYNN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank my friend for yielding. My colleague, the gentleman from Maryland (Mr. WYNN), has worked tirelessly on this project and very effectively on this project. As the chairman of the subcommittee has indicated, there is no controversy with respect to doing this project, we just have to find the money to do it.

I appreciate the gentleman's raising this issue, and I assure him that I will be working closely with the chairman to see that before this process is over that, hopefully, we get the requisite funds so that this project can be fully funded.

Mr. WYNN. Reclaiming my time once again, Mr. Chairman, I certainly understand the considerations, and I thank the chairman and my colleague for their cooperation.

Mr. WYNN. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is considered withdrawn.

There was no objection.

Mr. KOLBE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HERGER) having assumed the chair, Mr. DREIER, 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. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4871, TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 4871 in the Committee of the Whole pursuant to House Resolution 560, that no further amendment to the bill shall be in order except:

(1) Pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate.

(2) The following additional amendment, which shall be debatable for 30 minutes:

Ms. DELAURO, regarding health services.

(3) The following additional amendments, which shall be debatable for 20 minutes each:

Mr. MORAN of Kansas, regarding sales to any foreign country;

Mr. RANGEL, regarding Cuba;

Mr. COBURN, regarding section 640;

Mr. DAVIS of Virginia, regarding Federal election contracts; and

The amendment printed in the CONGRESSIONAL RECORD and numbered 14.

(4) The following additional amendments, which shall be debatable for 10 minutes:

Mr. TRAFICANT, regarding Buy America Act;

Mr. INSLEE, regarding Inspector General reports;

Mr. GILMAN, regarding day care centers; and

The amendments printed in the CONGRESSIONAL RECORD and numbered 1, 4, 6, 8, 9, 12, 13 and 15.

Each additional amendment may be offered only by the Member designated in this request, or a designee, or the Member who caused it to be printed, or a designee, and shall be considered as read. Each additional amendment shall be debatable for the time specified equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

The SPEAKER pro tempore (Mr. HERGER). Is there objection to the request of the gentleman from Arizona?

Mr. HOYER. Reserving the right to object, Mr. Speaker, I want to simply say that we have tried to check with everybody on our side to make sure that those who had amendments were agreeable to this. We think that that is the case and, as a result, we will not object and hope this facilitates the handling of this bill tonight.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore (Mr. HERGER). Pursuant to House Resolution 560 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. 4871.

□ 1657

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. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose earlier today, the amendment by the gentleman from Maryland (Mr. WYNN) had been withdrawn and title IV was open for amendment at any point.

Pursuant to the order of the House of today, no further amendment to the bill shall be in order except pro forma amendments offered by the chairman and ranking member of the Committee on Appropriations or their designees for the purpose of debate, and the following additional amendments, which may be offered only by the Member designated in the order of the House or a designee, or the Member who caused it to be printed or a designee, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question:

The following additional amendment, which shall be debatable for 30 minutes:

(1) Ms. DELAURO, regarding health services.

(2) The following additional amendments, which shall be debatable for 20 minutes:

Mr. MORAN of Kansas, regarding sales to any foreign country;

Mr. RANGEL, regarding Cuba;

Mr. COBURN, regarding section 640;

Mr. DAVIS of Virginia, regarding Federal election contracts; and

The amendment printed in the CONGRESSIONAL RECORD and numbered 14.

□ 1700

(3) The following additional amendments, which shall be debatable for 10 minutes:

The gentleman from Ohio (Mr. TRAFICANT), regarding Buy America Act; the gentleman from Washington (Mr. INSLEE), regarding Inspector General reports; the gentleman from New York (Mr. GILMAN) regarding day-care centers; and the amendments printed in the CONGRESSIONAL RECORD and numbered 1, 4, 6, 8, 9, 12, 13, and 15.

Are there further amendments to title IV?

If not, the Clerk will read.

The Clerk read as follows:

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. 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. 502. 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. 503. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 504. None of the funds made available by this Act shall be available in fiscal year 2001 for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Department of the Treasury.

SEC. 505. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service, and has within 90 days after his release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 506. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Buy American Act (41 U.S.C. 10a–10c).

SEC. 507. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 508. 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 sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 509. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 510. The provision of section 509 shall not apply where the life of the mother would be endangered if the fetus were carried to term, or the pregnancy is the result of an act of rape or incest.

SEC. 511. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2001 from appropriations made available for salaries and expenses for fiscal year 2001 in this Act, shall remain available through September 30, 2002, for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the Committees on Appropriations for approval prior to the expenditure of such funds: *Provided further*, That these requests shall be made in compliance with reprogramming guidelines.

SEC. 512. None of the funds made available in this Act may be used by the Executive Office of the President to request from the Federal Bureau of Investigation any official background investigation report on any individual, except when—

(1) such individual has given his or her express written consent for such request not more than 6 months prior to the date of such request and during the same presidential administration; or

(2) such request is required due to extraordinary circumstances involving national security.

SEC. 513. The cost accounting standards promulgated under section 26 of the Office of Federal Procurement Policy Act (Public Law 93–400; 41 U.S.C. 422) shall not apply with respect to a contract under the Federal Employees Health Benefits Program established under chapter 89 of title 5, United States Code.

SEC. 514. (a) IN GENERAL.—As soon as practicable after the date of the enactment of this Act, the Archivist of the United States shall transfer to the Gerald R. Ford Foundation, as trustee, all right, title, and interest of the United States in and to the approximately 2.3 acres of land located within Grand Rapids, Michigan, and further described in subsection (b), such grant to be in trust, with the beneficiary being the National Archives and Records Administration, for the purpose of supporting the facilities and programs of the Gerald R. Ford Museum in Grand Rapids, Michigan, and the Gerald R. Ford Library in Ann Arbor, Michigan, in accordance with a trust agreement to be agreed upon by the Archivist and the Gerald R. Ford Foundation.

(b) LAND DESCRIPTION.—The land to be transferred pursuant to subsection (a) is described as follows:

The following premises in the City of Grand Rapids, County of Kent, State of Michigan, described as:

That part of Block 2, Converse Plat, and that part of Block 2 of J.W. Converse Replatted Addition, and that part of Government Lot 1 of Section 25, T7N, R12W, City of Grand Rapids, Kent County, Michigan, described as: BEGINNING at the NE corner of Lot 1 of Block 2 of Converse Plat; thence East 245.0 feet along the South line of Bridge Street; thence South 230.0 feet along a line which is parallel with and 170 feet East from the East line of Front Avenue as originally platted; thence West 207.5 feet parallel with the South line of Bridge Street; thence South along the centerline of vacated Front Avenue 109 feet more or less to the extended centerline of vacated Douglas Street; thence West along the centerline of vacated Douglas Street 237.5 feet more or less to the East line of Scribner Avenue; thence North along the East line of Scribner Avenue 327 feet more or less to a point which is 7.0 feet South from the NW corner of Lot 8 of Block 2 of Converse Plat; thence Easterly 200 feet more or less to the place of beginning, also described as:

Parcel A—Lots 9 & 10, Block 2 of Converse Plat, being the subdivision of Government Lots 1 & 2, Section 25, T7N, R12W; also Lots 11–24, Block 2 of J.W. Converse Replatted Addition; also part of N ½ of Section 25, T7N, R12W commencing at SE corner Lot 24, Block 2 of J.W. Converse Replatted Addition, thence N to NE corner of Lot 9 of Converse Plat, thence E 16 feet, thence S to SW corner of Lot 23 of J.W. Converse Replatted Addition, thence W 16 feet to beginning.

Parcel B—Part of Section 25, T7N, R12W, commencing on S line of Bridge Street 50 feet E of E line of Front Avenue, thence S 107.85 feet, thence 77 feet, thence N to a point on S line of said street which is 80 feet E of beginning, thence W to beginning.

Parcel C—Part of Section 25, T7N, R12W, commencing at SE corner Bridge Street & Front Avenue, thence E 50 feet, thence S 107.85 feet to alley, thence W 50 feet to E line Front Avenue, thence N 106.81 feet to beginning.

Parcel D—Part of Government Lot 1, Section 25, T7N, R12W, commencing at a point on S line of Bridge Street (66′ wide) 170 feet E of E line of Front Avenue (75′ wide), thence S 230 feet parallel with Front Avenue, thence W 170 feet parallel with Bridge Street to E line of Front Avenue, thence N along said line to a point 106.81 feet S of intersection of said line with extension of N & S line of Bridge Street, thence E 127 feet, thence northerly to a point on S line of Bridge Street 130 feet E of E line of Front Avenue, thence E along S line of Bridge Street to beginning.

Parcel E—Lots 1 through 8 of Block 2 of Converse Plat, being the subdivision of Government Lots 1 and 2, Section 25, T7N, R12W.

Also part of N ½ of Section 25, T7N, R12W, commencing at NW corner of Lot 9, Block 2 of J.W. Converse Replatted Addition; thence N 15 feet to SW corner of Lot 8; thence E 200 feet to SE corner Lot 1; thence S 15 feet to NE corner of Lot 10; thence W 200 feet to beginning.

Together with any portion of vacated streets and alleys that have become part of the above property.

(c) TERMS AND CONDITIONS.—

(1) COMPENSATION.—The land transferred pursuant to subsection (a) shall be transferred without compensation to the United States.

(2) APPOINTMENT OF SUCCESSOR TRUSTEE.—In the event that the Gerald R. Ford Foundation for any reason is unable or unwilling to continue to serve as trustee, the Archivist of the United States is authorized to appoint a successor trustee.

(3) REVERSIONARY INTEREST.—If the Archivist of the United States determines that the Gerald R. Ford Foundation (or a successor trustee appointed under paragraph (2)) has breached its fiduciary duty under the trust agreement entered into pursuant to this section, the land transferred pursuant to subsection (a) shall revert to the United States under the administrative jurisdiction of the Archivist.

SEC. 515. (a) IN GENERAL.—The Director of the Office of Management and Budget shall, by not later than September 30, 2001, and with public and Federal agency involvement, issue guidelines under sections 3504(d)(1) and 3516 of title 44, United States Code, that provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies in fulfillment of the purposes and provisions of chapter 35 of title 44, United States Code, commonly referred to as the Paperwork Reduction Act.

(b) CONTENT OF GUIDELINES.—The guidelines under subsection (a) shall—

(1) apply to the sharing by Federal agencies of, and access to, information disseminated by Federal agencies; and

(2) require that each Federal agency to which the guidelines apply—

(A) issue guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by the agency, by not later than 1 year after the date of issuance of the guidelines under subsection (a);

(B) establish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the guidelines issued under subsection (a); and

(C) report periodically to the Director—

(i) the number and nature of complaints received by the agency regarding the accuracy of information disseminated by the agency; and

(ii) how such complaints were handled by the agency.

SEC. 516. None of the funds made available in this Act may be used to implement a preference for the acquisition of a firearm or ammunition based on whether the manufacturer or vendor of the firearm or ammunition is a party to an agreement with a department, agency, or instrumentality of the United States regarding codes of conduct, operating practices, or product design specifically related to the business of importing, manufacturing, or dealing in firearms or ammunition under chapter 44 of title 18, United States Code.

SEC. 517. None of the funds appropriated or otherwise made available in this Act may be used to allow the placement in interstate or foreign commerce of diamonds that have been mined in the Republic of Sierra Leone, the Republic of Liberia, Burkina Faso, the Republic of Cote d'Ivoire, the Democratic Republic of the Congo, or the Republic of Angola, except for diamonds the country of origin of which has been certified as the Republic of Sierra Leone by government officials of that country who are recognized by the General Assembly of the United Nations.

SEC. 518. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol, which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: *Provided*, That the limitation established in this section shall not apply to any activity otherwise authorized by law.

SEC. 519. Within available funds, the Department of the Treasury and the General Services Administration are urged to use ethanol, biodiesel, and other alternative fuels to the maximum extent practicable in meeting their fuel needs.

SEC. 520. None of the funds made available in this Act may be used to pay the salary of any officer or employee of the Office of Management and Budget who makes apportionments under subchapter II of chapter 15 of title 31, United States Code, that prevent the expenditure or obligation by December 31, 2000, of at least 75 percent of the appropriations made for fiscal year 2001 to carry out the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), the Food for Progress Act of 1985 (7 U.S.C. 1736o), and section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)).

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of title V be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. Are there any points of order to title V?

POINT OF ORDER

Mr. CRANE. Mr. Chairman, I make a point of order against the provision entitled Sec. 517 in title V of the bill on Treasury Postal Appropriations on the grounds that it violates clause 2(b) of rule XXI of the Rules of the House.

The CHAIRMAN. Does any Member wish to be heard on the point of order?

Mr. WOLF. Mr. Chairman, I would like to speak on the point of order.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) is recognized on the point of order.

Mr. WOLF. Mr. Chairman, the gentleman from Ohio (Mr. HALL) has taken the leadership on this issue with regard to Sierra Leone. We visited Sierra Leone in the month of December.

This picture is of a young girl that we saw who had her arms cut off because of conflict diamonds. In Sierra Leone, the rebels have taken over the areas and are pursuing the war. And this picture is another young little girl with her arms cut off. They are pursuing the war by the sale of what they call conflict or blood diamonds.

On behalf of the gentleman from Ohio (Mr. HALL), we offered an amendment, which was adopted unanimously by Republicans and Democrats in the subcommittee and not challenged in the full committee, to prohibit the importation of diamonds coming from certain countries, Sierra Leone and Liberia, where Charles Taylor in Liberia is doing terrible things, and Burkina Faso and other countries.

In the Congo, in the last 22 months, 1.6 to 1.7 million people have died. Thirty-five percent of these killed are under the age of 5.

So this amendment is here in order to stop conflict diamonds.

On this floor several weeks ago, this Congress voted not to send the money for U.S. peacekeeping. No one wants to send American soldiers. So there can be U.N. peacekeepers, at the minimum, which ought to prohibit the importation of what is called conflict or blood diamonds.

This is also in the best interests of the people of Sierra Leone but also the diamond merchants. Because if it ever gets out that every time a young woman or young man purchases a diamond, and 65 percent of the diamonds in the world are sold in our country, the American people do not want to buy blood diamonds, then I think the diamond market may very well be in trouble.

So, for this reason, we offer the amendment to stop this issue.

Keep in mind, too, the life expectancy in Sierra Leone is 25.6 years.

So I wanted to be heard. And I know my colleague, the gentleman from Ohio (Mr. HALL), wants to be heard on this issue and the distinguished chairman of the Subcommittee on African Affairs (Mr. ROYCE), who has been so good on this issue and has really focused on it, wants to be heard.

I do want to say that I understand the gentleman from Illinois (Mr. CRANE) will be making an announcement that he is going to hold a hearing. I personally want to thank him for his willingness to do this, which will help us after the August break to focus on the issue. So I want to personally thank the gentleman very much for his willingness to do this.

Mr. Chairman, I want to thank the gentleman from California (Mr. DREIER) for his help on this issue. I appreciate it very much. I also appreciate the help of the gentleman from California (Mr. ROYCE) on this issue. He has provided great leadership.

Mr. Chairman, while I understand that the distinguished chairman is raising a point of order on this section because of jurisdiction claims, I wish that this section could remain in this bill because of the immediacy of the problem in Africa.

Millions of people have died in Africa because of the bloodshed surrounding conflict diamonds. Rebel groups and military forces in Sierra Leone, Angola, and the Democratic Republic of the Congo have committed horrible atrocities to gain control of and to profit from diamonds and diamond mines. At least $10 billion in diamonds have been smuggled from these countries over the past decade.

In the Congo, some 1.7 million people have died because of the fight to control Congo's natural resources. In Angola, the rebel movement UNITA pays for more weapons and kills more people because of its trafficking and control of Angola's diamonds. In Sierra Leone, an estimated 75,000 people have died because of the rebels' vicious campaign to control the country's diamonds.

Mr. HALL and I visited Sierra Leone and met and talked with hundreds of people who had their arms, legs, hands cut off by Sierra Leonian rebels—all to scare and intimidate the local population so the rebels could gain control of Sierra Leone's diamond producing region.

Many of the countries surrounding Sierra Leone have few to zero diamond mines. Yet countries such as Liberia, Burkina Faso, Togo, and the Ivory Coast have exported millions of carats of diamonds—Sierra Leone's diamonds—billions of dollars in value—to the diamond cutting centers in Antwerp, Israel, India, Holland, and New York.

Liberia and its president, Charles Taylor, supplied tons of weapons to the rebels in exchange for diamonds. Similar arms for weapons exchanges between governments and diamond stealing rebel groups has occurred in the case of Angola, the Congo, and other countries already named surrounding Sierra Leone.

This point of order would strike out of this bill language which prevents illicit conflict diamonds from entering the flow of U.S. commerce. This language would go a long way toward stunting the revenue—conflict diamonds—of many rebel groups in Africa. This language would save thousands and thousands of lives.

Because the Clinton Administration has been a complete failure on this issue, it is important for this House to speak out and take action and this language is a good start in that direction. The Administration has even gone out of its way to buddy up to the rebels in Sierra Leone and to Liberia's President, Charles Taylor. People have died as a result of this inexcusable negligence.

Because this problem is immediate, because the war and death fueled by the trafficking of conflict diamonds rage on unabated, this is a global crisis. Because the Administration has failed to address this issue, it is up to Congress to lead and that is why this language is so important.

I understand the reality of the legislative process though, and that this section of the bill is not protected.

I am grateful that Chairman CRANE has agreed to work with me and Mr. HALL on this issue and I look forward to the hearings his subcommittee will hold, hopefully as soon as we get back from August recess. I am hopeful that with Mr. CRANE's help, we can quickly draft legislation to prevent conflict diamonds from entering the U.S. and to help the people of Africa suffering at the hands of these rebel forces.

The CHAIRMAN. The gentleman form Ohio (Mr. HALL) is recognized on the point of order.

Mr. HALL of Ohio. Mr. Chairman, I want to thank the gentleman from California (Mr. DREIER) for his not only recognizing me but for his work on this particular section of the bill concerning diamonds.

I just support everything that the gentleman from Virginia (Mr. WOLF) has said. He and I are partners on this issue and so many issues. We have traveled together often.

The last time we were together in Africa was in Sierra Leone. The reason why this is germane and relative to us in America, people might ask, What does this have to do with us? Well, we buy 65 to 70 percent of all the diamonds in the world; and a good percentage of those, at least somewhere between 5 and 10 percent of them, are what we call illicit diamonds, conflict diamonds, blood diamonds. They come out of areas like Sierra Leone and the Congo, Angola, Liberia, Burkina Faso, Guinea.

What happens is that these diamond areas are seized by rebels. For example, in Sierra Leone, a rag-tag group of young people, 400 rebel soldiers, increased their whole lot, their whole army to about 25 to 26,000 overnight because they seized the diamonds mines.

What they do is they not only seize the diamond mines, they use the diamonds to trade for guns, pretty sophisticated guns, and buy drugs. And at the same time, they bring a lot of young soldiers into the rebel army, and they inflict cuts on their arms and on their heads and they put these drugs into them to the point where they go in and they commit all the atrocities.

The gentleman from Virginia (Mr. WOLF) and I visited amputee camps. We visited refugee camps where children's arms were cut off. They play this hideous game that when they go into a village they not only rape most of the women there, but they say to most of the villagers, stick your hand in this bag and pull out a piece of paper. If the piece of paper says ''hand,'' your hand gets chopped off. If the piece of paper says ''foot,'' they chop it off with a hatchet. If the piece of paper says ''ear'' or ''nose,'' they cut it off.

We have seen this over and over again. This is not just something that the gentleman from Virginia (Mr. WOLF) and I are talking about. This has been proven over and over and over again by many human rights groups, by the U.N.

There are a lot of boycotts on diamonds from Sierra Leone to Angola to these countries that we have mentioned.

I reluctantly agree to allow this and not offer in the Committee on Rules an amendment to protect this particular section because I understand in talking to the gentleman from Illinois (Mr. CRANE) that he is going to have a hearing; and, hopefully, we can get some justification, we can stop this hideous kind of killings that are going on in the world.

The reason why it is relevant to us is that we buy most of the diamonds in the world, and in some cases our people need to know that diamonds are not a girl's best friend. Sometimes they cause death, maiming, killing, all kinds of atrocities.

So with that, we are hopeful we can get some action this year. We are hopeful that the gentleman from Illinois (Mr. CRANE) and the Committee on Ways and Means will do something about this.

The CHAIRMAN. The gentleman from California (Mr. ROYCE) is recognized on the point of order.

Mr. ROYCE. Mr. Chairman, these Sierra Leone diamonds that we are talking about and the conflict that is raging there are only a small part of Africa's production. However, the American public increasingly associates the devastation and the mayhem occurring in Sierra Leone with the sale of legitimately produced diamonds.

That makes it very difficult for other countries in Africa, like Botswana and Namibia and South Africa, to use the proceeds from the sale of their diamonds in order to produce an education for their population, clean water and health care.

I think the United States Congress must help ensure that the legitimate diamond industries in these countries are not adversely affected by the justifiable outrage over the anarchy and atrocities linked with conflict diamonds. And it was the message that the Subcommittee on African Affairs received from the African government and human rights groups at our hearing on May 9 on this issue.

Now we have a special responsibility because Americans purchase more than 60 percent of these diamonds. I think my colleagues have heard the testimony from my colleagues about the mayhem that is occurring today in Sierra Leone. We must do all we can to bring an end to the tragic conflict in diamonds coming out of Sierra Leone and coming out of Liberia. Because, frankly, the proceeds from the sale of

those diamonds are being used in order to arm the Revolutionary United Front, the RUF, which has decapitated or struck the limbs off some 20,000 women and children to date.

If my colleagues go into Freetown, they will see countless numbers of maimed children on the streets as a result of this campaign of terror. And if we ask how did Fodoy Sankoh receive the financing to do this, it is from the sale of these conflict diamonds, it is from the fact that these diamonds have also gone over the border into Liberia where his ally, Charles Taylor, has also used them in order to obtain the funds for this activity.

I think we must applaud the recent efforts of the international diamond industry to prevent rebel groups from using illicitly obtained diamonds to finance senseless wars. It has instituted new controls that will make it more difficult for conflict diamonds to be sold. But vigilance is necessary to prevent unscrupulous dealers from avoiding these new, tougher regulations.

I just want to thank the gentleman from Virginia (Mr. WOLF) and thank the gentleman from Ohio (Mr. HALL) for their efforts. I would hope that more Members of this body would join them in their efforts to ensure the vigilance of these regulations and to ensure that we can try to impose an embargo on Liberia and on Sierra Leone in order to prevent this senseless war from continuing.

Mr. CRANE. Mr. Chairman, clause 2(b) of rule XXI states that no provision changing existing law shall be reported in any general appropriation bill.

However, this provision would prevent the use of appropriated funds to allow the placement of diamonds from certain countries into foreign or domestic commerce.

Specifically, the provision imposes a new administrative burden on the U.S. Customs Service not authorized under existing law by requiring Customs to enforce a new certification requirement which would be based on the place of mining of the diamonds.

Under current law, no certification at all is required. In addition, Customs never examines the place of mining but makes origin determination based on cutting and polishing. This certification requirement places an extensive burden on Customs both in terms of procedural documentation requirements and substantive origin determination.

It clearly violates clause 2(b) of rule XXI, which prohibits legislating on an appropriations bill.

However, I would like to assure the gentlemen that have spoken this evening that I agree that the diamond trade in Africa is of grave concern to me. I plan to hold a hearing in the subcommittee of the Committee on Ways and Means in September to examine this issue. I hope to work with the gentlemen, as well as the administration, to find a viable means to deal with this issue.

I do not support the use of trade sanctions, but recent action by the United Nations affirming the use of multilateral trade sanctions makes this an issue well worth considering.

In the meantime, however, I must insist on my point of order, and I urge the Chair to sustain the point of order.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

The gentleman from Illinois (Mr. CRANE) makes a point of order that the provision beginning on line 62, line 17, and ending on page 63, line 2, changes existing law in violation of clause 2(b) of rule XXI.

The provision limits funds in the bill for the placement in interstate or foreign commerce of diamonds that have been mined in certain countries with an exception for those diamonds where the country of origin has been certified as the Republic of Sierra Leone by specified international officials.

Clause 2(b) of rule XXI provides that a provision changing existing law may not be reported in a general appropriation bill. The provision imposes new duties on executive officials by requiring the Customs Service to investigate and certify the country of origin of a diamond with regard to its place of mining. The Chair is not aware that there are currently any country of origin requirements in law with relation to the mining of diamonds.

As such, the provision changes existing law in violation clause 2(b) of rule XXI. Accordingly, the point of order is sustained and the provision is stricken.

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. 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 Ms. DELAURO:
Strike section 509.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from Connecticut (Ms. DELAURO) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentlewoman from Connecticut (Ms. DELAURO).

□ 1715

Ms. DELAURO. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, I rise to offer a simple amendment to strike language in this bill that unfairly penalizes the hard-working people of the Federal Government. This language prohibits health plans that participate in the Federal employees health benefits program from covering abortion. By doing so, it denies access to complete reproductive health services to nearly 1.2 million women of childbearing age who depend on this health benefits program for their medical care.

Every employee in the country has the option to choose a health care plan that covers the full range of reproductive health services, including abortion. Every employee, that is, except Federal employees. Since November 1995, Federal employees have been unable to choose a health care plan which includes coverage of this legal medical procedure.

Let me make one point very clear. This amendment does not provide government or taxpayer subsidies for abortion. The health care benefit, like the salary, belongs to the employee. The employee is then free to choose from a wide range of health plans that best meet their needs and then purchase that health plan with their own money. Again, with their own money.

This amendment does not mandate that any plan provide coverage for abortion against its objection. It simply allows Federal employees to have the option to purchase for themselves or their families a plan that suits their individual needs. An individual who does not want that coverage would have the choice, again the choice, not to purchase such a health plan.

Unfortunately, under current law and language included in this bill, Federal employees are left with no choice if tragedy strikes. I have heard the stories of Federal employees who are faced with a crisis pregnancy. This decision to end the pregnancy was the hardest decision of their lives. When they believed that their health insurance companies would pay for this health procedure and later found out Congress had restricted this coverage, they were harassed by creditors and forced into a financial battle over one of the most personal and emotional decisions that they will ever have to make.

Mr. Chairman, abortion is a legal medical procedure. That is right. No matter how many times we come to this floor and debate this issue, it remains a constitutionally protected legal medical procedure. The court just reaffirmed that a few weeks ago. Our opponents can try to chip away access to this right for young women, poor women, imprisoned women, women in the military, and in this case women who work for the Federal Government. They can write legislation that limits every nuance of this procedure and the issues surrounding it. But they have not won. Abortion is still a legal choice for women.

Singling out abortion for exclusion from health care plans that cover other reproductive health care is harmful to women's health. The AMA has said that funding restrictions such as this one that delay or deter women from seeking early abortions make it more

likely that women will continue a potentially health-threatening pregnancy to term. This is all the more true because the bill provides no exception for coverage of abortions when a woman's health or future fertility is at stake.

I urge my colleagues to give our public servants the right to choose the health care that is best for them. I ask them to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in opposition to the amendment and claim the 15 minutes.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in strong opposition to the DeLauro amendment. This amendment has been offered and defeated for the last 5 years, but our pro-choice colleagues are at it again. In effect, it would force taxpayers to fund abortion. The pro-life language which this would strike prevents taxpayer funds from paying for abortions in Federal employee health benefit plans except when the life of the mother is in danger or in cases of rape and incest.

In 1998, the Federal Government contributed on the average 72 percent of the money toward the purchase of health insurance for its employees. Because taxpayers are the employers of Federal workers, employers determine the benefits employees get. And a large majority of taxpayers do not want their tax dollars to be used to pay for abortion.

Mr. Chairman, should taxpayers be forced to underwrite the cost of abortions for Federal employees regardless of their income? According to a New York Times/CBS News poll, only 23 percent of those polled said that national health care plans should cover abortions, while 72 percent said those costs should be paid for directly by the women who have them.

When an ABC News/Washington Post poll asked Americans if they agree or disagree with the statement, ''The Federal Government should pay for an abortion for any women who wants it and cannot afford to pay it,'' 69 percent disagreed.

The Center for Gender Equality has reported that 53 percent of women favor banning abortion except for rape, incest and life of the mother exceptions. The pro-life language in the bill that the gentlewoman from Connecticut (Ms. DELAURO) seeks to gut includes these exceptions. Obviously, if 53 percent of women favor banning abortion aside from these exceptions, then they would not want their tax dollars paying for abortion on demand as this amendment intends.

In a Gallup poll from May of last year, 71 percent of Americans supported some or total restrictions on abortion.

For these reasons, Mr. Chairman, I ask my colleagues to vote ''no'' on the DeLauro amendment.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise to support my colleague's motion, because I believe that the approximately 1.2 million women of reproductive age who rely on FEHBP for their medical care should have the option of choosing a health plan which includes coverage for abortion.

I want to stress that women should have the option. In 1995, Federal employees had many options. Of the then 345 FEHBP plans, just about half, 178, covered abortion. If women wanted to participate in a plan that covered abortions, they could. If they found abortion objectionable, then they could opt for a plan that did not cover abortion. The choice was theirs, not mine, not yours, not this institution's.

That is why, although many of us are tired of constantly battling about this issue, I continue to speak about this because I believe that our approach should be to make terminating a pregnancy less necessary. If we agree, pro-choice, pro-life, that our goal should be less abortion, then our focus must be on what we can do to further that goal.

I am very pleased that this bill contains provisions that guarantee contraceptive equity for Federal employee families. We can do more to increase access to contraception and work harder to educate people about responsibility. That will help us make the difficult choice of abortion less necessary.

Making abortion inaccessible in my judgment is not the answer. Contraceptive methods may fail, pregnancies may go unexpectedly and tragically wrong. No matter how good the contraceptive technology and how much education we do, some women will need abortions and that should be their decision, not ours. Abortion must remain safe and legal. I oppose excluding abortion, among the most commonly surgeries for women, from health care coverage. I support allowing Federal employees to have the option of abortion coverage with their own money, their earned income, in these plans.

I ask my colleagues to join me in supporting the DeLauro motion to strike and let us work for a day when abortion is truly rare.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, just a few minutes ago on this House floor we heard about the sad plight of some children in Africa. We deal with many cases of child abuse and persecution and the violence against children. Many of us believe that human life begins at conception. In fact, most Americans do. When you look at the brutality of the abortion procedure, whether it is burning the skin off the babies, whether it is cutting them up, whether it is blowing them to pieces as they bring them out, or the partial-birth abortion where they kill them with a blunt instrument when all but the head is out, it is a brutal procedure.

But this is not a debate over whether abortion is legal because whether I like it or not, abortion is legal. This is a question over whether people like me and other Americans in Indiana and other States around the country have to be forced to pay for the killing of what we believe is innocent, defenseless little children.

The earliest speaker here, the distinguished gentlewoman from Connecticut, said that these were plans paid for by Federal employees. She neglected a teensy-weensy little fact, and, that is, our health care plans, including mine, are 28 percent roughly, depending on which plan you choose, paid by you and 72 percent by everybody else. This is whether or not we have to be forced to pay for other people's choices.

The Supreme Court has been clear. We do not have to pay for someone's abortion. They have a right to choose abortion, but they do not have a right to have me violate my beliefs, the majority of the people of Indiana who share that belief and other parts of the country who share that belief have to pay for a procedure that they find offensive.

Now, the truth is, many Americans are on the fence here. They find abortion abhorrent, but they believe other people should be allowed to choose. But it is clear, the majority of Americans do not want what they believe is the blood on their hands, and I do not believe that we should be forced to pay for other people's abortion by subsidizing as we do in Congress 75 percent of the procedure.

Ms. DELAURO. Mr. Chairman, I yield myself 10 seconds. This amendment does not provide government or taxpayer subsidies for abortion. The health care benefit, like the salary, belongs to the employee. The employee is free to choose from a health care plan that best meets their needs.

Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Chairman, I want to thank the gentlewoman for yielding me this time and also for her commitment and her consistent work in support of the rights of all women.

I rise in strong support today of the DeLauro amendment that strikes the prohibition of abortion coverage within the Federal Employees Health benefits Plans. Approximately 1.2 million women of reproductive age rely on the Federal employees health benefits program. Denying them access to health services is denying them the right to

lead healthy lives as they so choose. Restricting this fundamental right is discriminating against women in the public sector. We are currently denying these women access to a legal health service.

The DeLauro amendment would allow government employees to choose a health care plan that would cover the full range of reproductive services, including abortion. It is wrong to impose personal ideology on compensation benefits to millions of women. This provision would not result in government subsidized abortions. Instead, it would allow women in the public sector the same fundamental reproductive health services as women in the private sector.

Why should a woman be denied access to care simply because she chooses to work for the Federal Government? This is so unfair and it is wrong. The current prohibition has made it more difficult and more dangerous for women working in the Government to exercise their constitutional guarantee of freedom of choice. We must begin to take the politics out of providing health care for Federal employees.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Let me just say in answer to the previous speaker, opposition to abortion funding has nothing whatsoever to do with politics. Such charge is insulting today, we seek, to the maximum extent possible, to safeguard human rights for unborn children who cannot defend themselves.

Let me also say that every time we deal with pro-life text including language that proscribes funding for abortion, the issue, we are told is never about abortion. When we deal with the D.C. approps bill, it is about home rule. When we deal with the Hyde amendment on the health and human services appropriations bill, it's rich versus poor, rather that subsidizing the extermination of poor children by abortion. Our opponents on the issue always try to muddy the water suggesting that the debate is about something other than abortion. And today we're told it is a matter of Federal employees benefit packages. Sorry—that argument just doesn't cut it. Abortion is not a health benefit—it's the killing of a baby. Regrettably, the gentlewoman is offering an amendment today that would strike current law, that is to say, law that has been in effect this year, last year, every year except 2 years since I first successfully offered this back in the early 1980s.

□ 1730

So let me emphasize my hope that Members will reject this misguided, anti child amendment.

Mr. Chairman, with violence so commonplace nowadays, with our sensibilities accosted and numbed almost every day of the week by yet another outrageous act of violence at home or abroad or both, perhaps it is any wonder why we, as a society, continue to live in denial, for some it is very deep denial, about the inherent violence of abortion.

Abortion, Mr. Chairman, is not some benign act designed to cure or to mitigate a disease. I will never forget, I read a paper some years ago by Dr. Cates from the Center for Disease Control Abortion Surveillance Unit, and it was entitled ''Pregnancy, the second most prevalent sexually transmitted disease.''

Mr. Chairman, that is sick. A pregnancy, a maturing, living unborn child is not a disease. He or she is not a wart or a cancerous tumor or something that should be excised. Every one of us once were unborn children.

We should look at birth as an event that happens to each and every one of us, it is not the beginning of life. Unborn children when they are sufficiently mature and developed move on to a new address. Life is a continuum; birth is not the beginning but an event along the way.

But here is the CDC abortion surveillance authority degrading everyone's early months calling pregnancy a sexually transmitted disease. I think that is as Orwellian and downright stupid as it gets.

Abortion, Mr. Chairman, is the antithesis of compassion and of nurturing. Abortion methods are acts of violence imposed on innocent boys and girls for whom the womb should be a place of refuge, hope, sanctuary—not an execution site.

Abortionists kill their human prey by either injecting poisons into their bodies directly or by putting high concentrated salt water into the amniotic fluid to snuff out the child's life.

High concentrated salt solutions injected into the baby's amniotic sac is barbaric—child abuse. The baby breathes in the caustic salty liquid, dies a slow, excruciatingly painful death. It usually take about 2 hours to kill the baby. The mother then goes into delivery and gives birth to a dead and very badly scalded body as a result of the corrosive effects of the salt.

These are commonplace abortions, and it would be paid for if the DeLauro amendment is approved.

Let me also remind Members that the most common method of child killing is dismemberment. A few minutes ago my good friend and colleague the gentleman from Virginia (Mr. WOLF) showed us this picture, of a 2-year-old victim of the revolutionary united front the RUF, who had her arm sheared off by thugs. This was a horrible deed by the RUF in Sierra Leone.

Abortionists do the same to children in the womb every day in America. Amazingly, there are a few lucky ones who survive. Not so long ago The New York Post featured this picture of Ana Rosa Rodriguez, almost 2 years old, with her arm sliced off. Although the abortionist tried hard he did not kill her, she survived. She is one of those fortunate ones who somehow evaded the abortionist's deadly scalpel. She is a survivor, sans an arm.

Of course, all of us are aware of what happens in a partial birth abortion, which is child abuse in the light of day. Yet, such brutality too could be paid for if the DeLauro amendment is successful.

Mr. Chairman, since 1973, over 40 million children have been slaughtered mostly by dismemberment or chemical poisoning in America. That is the equivalent, Mr. Chairman, to the entire populations of 22 States in America combined from Connecticut to Maine to New Hampshire to Oregon. If we want to look at the bigger more populus States 40 million abortions is the equivalent of the entire populations of Pennsylvania, Ohio, Michigan and New Jersey combined. Such staggering loss of children's lives should sound alarm bells—not foster denial or acquiescence. Clearly abortion has been sanitized. The cover up of abortion take the prize for ''most euphemisms.'' It has been marketed with great skill, cleverness, and deceit by the abortion lobby. The result 40 million dead children in America. 40 million kids, Mr. Chairman, who have had every hope and dream, every aspiration, every possibility of living obliterated by abortion. Their mothers too have been very much wounded by abortion.

I have been working in the pro-life movement for 28 years. I work with crisis pregnancy centers. There has been an increase in healing outreaches, Project Rachel reaches out to women in distress, who have had abortions, who are in great need of healing and reconcilliation. Many of those women are the walking wounded. Abortion hurt them physically, emotionally and psychologically.

Since 1973, Mr. Chairman, 40 million kids killed by abortion will never know the thrill of a sunset, the simple joys of life, like eating and drinking or sleeping in on a Saturday morning, a snow day. They will never have that. They have been terminated. They will never know the joy of playing sports, soccer or baseball. They will never know what it is like to date or marry or raise kids or to give of oneself for others. They will never know the power of prayer, or power of faith in God to usher in his will on earth, as it is in heaven.

All of this and more has been denied these kids because of abortion. The so-called right to choose robs children of their birthright and a lifetime of meaning and challenges have been snuffed out as a result of abortion.

Mr. Chairman, the other day in Middlesex County, New Jersey, I attended

a crisis pregnancy dinner. Two of the ladies got up to the microphone and thanked the director of that center who helped them avert abortion through love and genuine concern. Both women were going in to get abortions. But both of them had the child instead. They gave very strong and compelling comments on what it was like to be reached out to and to love. What I found to be unexpected was that just a few moments later, two young teenage girls stepped up to the microphone. They too thanked the director of that crisis pregnancy center and their moms who had just spoken, because their lives had been saved from certain death.

They were articulate. Both had dreams and hopes, all because they were alive. Abortion Mr. Chairman takes the life of a child. There are alternatives—crisis pregnancy centers, adoption—so let us help you. If we subsidize abortion and facilitate abortion girls like those two potential victims are less likely to survive and are more likely to be aborted.

I do believe, Mr. Chairman, that some day, researchers, sociologists and historians and others will marvel how the best and the brightest of our day, many of those in positions of power in government, our judiciary, the media, the medical profession, and academia, could have embraced the killing of 40 million children and demanded that it not only be sanctioned, and regarded as a woman's right, but paid for by the U.S. taxpayer. Just as we look at the pro-slavery crowd of yesteryear, and say ''how could they'' they too will be aghast at our moral obtuseness and callousness.

With the bill before us today, at least we can take a stand against funding the killing of unborn babies. The underlying language that the gentlewoman from Connecticut (Ms. DELAURO) would strike continues, as I said at the outset, current law that proscribes the Federal employees health benefits program from subsidizing most abortions.

I respect each Member on the other side of this issue but find it extremely disappointing and vexing that you fail to understand the terrible wrong you do to children and their mothers.

Vote no on DeLauro.

Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, may I inquire of the remaining time on both sides?

The CHAIRMAN. The gentlewoman from Connecticut (Ms. DELAURO) has 7¾ minutes remaining, and the gentleman from New Jersey (Mr. SMITH) has 1½ minutes remaining.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Chairman, I rise to, first of all, thank the gentlewoman from Connecticut (Ms. DELAURO) for yielding the time to me, and also for offering the amendment.

We in this House of Representatives, as well as Federal employees across this country, enjoy the rights of deciding a benefit given to them, along with their salary, that belongs to them to choose the health plan that suits them and their children.

I believe that we ought to allow these wonderful Federal women employees that right, a right to a procedure that is legal, a right to a procedure that everywhere else, except in Federal employees status cannot be selected, because this Congress, I might add, will not allow it.

I am wondering why this provision is not, as we hear so many times using authorizing on an appropriations bill, someone should rule it out of order. I believe this section 509 is authorizing on an appropriations bill and should stand on its own in proper legislation and in the proper committee of jurisdiction.

Why are we now taking a procedure that is legal for thousands of women, heads of households, I am a mother, I have never had to use abortion, praise the Lord, but some people may find in their lifetime they have to make that decision.

God has blessed women to bear children, and women ought to be allowed with their God and their husband or significant other to make that decision. I praise and applaud the woman from Connecticut (Ms. DELAURO) for offering the amendment. This amendment discriminates against women Federal employees. Who are we, 435 of the finest citizens in the most powerful government, to decide what God has decided that a woman must or must not do with her body? I think it is appalling.

I think section 509 is authorizing on an appropriations bill and ought to be ruled out of order.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent that both sides have an additional 5 minutes each, 10 minutes equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. Each side will be granted an additional 5 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman from New Jersey for yielding me the time, and I rise in very strong opposition to this amendment.

The gentlewoman offered this amendment last year and it was defeated by a vote of 188 to 230. The provision that the gentlewoman is offering seeks to strike language that has been included in this legislation for years.

The funding restriction in the bill addresses the same core issue as the Hyde amendment, should the Federal Government be in the business of funding abortions? Should taxpayers be forced to underwrite the cost of abortions for Federal employees?

This debate is not one involving the legality of abortion. It is about using taxpayer dollars for abortions.

The point is that the vast majority of Americans feel very strongly that taxpayer dollars should not be used to fund abortions in the United States of America.

Some people may try to claim that this is just another medical procedure. We all know that this is not just another medical procedure. It is a very unique procedure where one of the participants in the procedure ends up dead.

I have been a practicing internist for 20 years, and I would argue that the unborn baby in the womb is not a potential life. It meets all of the medical criteria for a life. The criteria that I used as a practicing physician to determine whether somebody is alive or dead, a beating heart, active brain waves; indeed, using modern ultrasound technology today, we can show as early as just a few weeks of life activity on the part of the developing fetus, moving arms and moving legs.

The Supreme Court, the Court that created legalized abortion in America, has actually ruled on this issue upholding the Hyde amendment language. The Court said, abortion is inherently different from other medical procedures because no other procedure involves the purposeful termination of a potential life. They used the word potential there, I say it is a life.

Mr. Chairman, I reject this amendment and I would encourage all of my colleagues to vote against it.

Ms. DELAURO. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Maryland (Mrs. MORELLA)

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman from Connecticut (Ms. DELAURO) for yielding the time to me, but also for introducing this amendment, because I rise in strong support of it. It would simply prevent discrimination against Federal employees in their health care coverage.

It was 5 years ago when Congress voted to deny Federal employees abortion coverage that was already provided to most of the country's workforce through their private health insurance plans. This discriminatory decision was another attempt to diminish the benefits of Federal employees and their right to choose an insurance plan that best meets their health care needs.

I heard the term that this is being funded by the Federal Government. It

is not. The government simply contributes to the premiums of Federal employees in order to allow them to purchase health insurance; this contribution is part of the employee benefit package, just like an employee's salary or retirement benefits.

Currently, if we look at the private sector, approximately two-thirds of private fee-for-service health insurance plans and 70 percent of HMOs provide abortion coverage.

When this ban was reinstated 5 years ago, 178 of the FEHBP plans out of 345 offered abortion coverages. Women could choose, they could decide whether to participate in a plan with or without this coverage. Thus, the employee could make that decision.

Quite frankly, it is insulting to our Federal employees that they are being told that part of their compensation package is not under their control.

Mr. Chairman, approximately 1.2 million women of reproductive age rely on FEHBP for their health coverage. What we are doing, unless we adopt this amendment, is denying 1.2 million women for making their own right to choose a health care plan.

□ 1745

I urge my colleagues to support the DeLauro amendment and ensure that Federal employees are once again provided their legal right to choose.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 3 minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I do not want to offend anybody in this body, but I think we ought to really characterize what this debate is about, and that is whether or not we are going to use taxpayer dollars to allow a woman to kill her unborn baby. I mean, we can say that is not a politically correct statement; but that is what abortion is, is an unborn human being, a child, is being killed. Now, we can say, no, that is not it; it has no standing, but the fact is the Supreme Court recognizes that death in this country only occurs when there is an absence of brain waves and heartbeat.

At 19 days post-conception, infants, children in their mother's womb, meet that.

The other contention that I think we ought to talk about, very frankly, is whether or not killing an unborn child is health care. Who is that health care for, and should we ask the taxpayers of this country to subsidize the taking of unborn life? The fact is the vast majority of Americans today do not believe that abortion is the right thing to do, by far. It is growing every day as they see the truth about abortion.

The fact is that we do not consider the rights of the unborn child, except if the child is injured unintentionally in a car wreck or injured in some other way. Then it has standing. But if it has standing at those times, we are going to say the rest of the time it has no standing. Mark my words, our country will change this.

We can all disagree about whether or not this is a right or a wrong thing to do, but the fact that we should not subsidize it and the fact that the American people, by a large majority, do not want us subsidizing it, speaks very plainly to the fact that they know what the truth is: abortion is not health care. Abortion is taking the life of an unborn human being that is unique, has never been here before, never been created before, is totally unique, has the attributes of life, a beating heart, active brain waves.

We can deny that because it is convenient to rationalize our moral choice for an inadvertent sexual activity. This amendment would pretend that rape, incest and the life of the woman does not exist. They are excepted in this. So the fact is we are protecting the true health of the woman in recognizing the right under our constitution of this unborn child.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I thank my colleague, the gentlewoman from Connecticut (Ms. DELAURO), for yielding me this time.

Mr. Chairman, the gentlemen from whom we have heard tonight have every right to support their ideologies against abortion. That is their right. It is their personal ideology, and I cannot disapprove of their personal ideology; but I only ask them one thing. It is not their right to impose their personal beliefs to the Congress or to this country. If I had my way, there would be a lot of my personal beliefs that I would be able to impose on this Congress, but the Constitution of this country does not give me that right. It does not give any man in this country the right to choose a woman's right to choose. It is her right; and if she does not follow her religious and moral constraints, she has to pay for it. I do not have to pay for hers, but as an elected official I cannot say this because I agree or disagree with someone then they do not have a right to choose.

No matter how poignant the stories or the anecdotal information we have heard here tonight, it does not give anyone the right to choose. I support the DeLauro amendment. I believe in justice and fairness to women, as well as to men.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 45 seconds to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I would just like to say that I have the utmost respect for the gentlewoman from Florida (Mrs. MEEK), but the statement she just made ignores one person's rights, and that is the rights of the unborn. Read our Declaration of Independence. Read our Constitution. Regardless of what the law is, in the scheme of the long-term measure of us as a society, it is going to be said that we did the wrong thing.

Legally, we have the right to abortion in this country. We are not disputing that. That is the law. I would just state that the fact is the judgment in history on our society is not going to be whether or not we recognize the woman's right to choose. It is going to be whether we recognize the innocent's right to life.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, there are about 1.2 million women of reproductive age who depend on the Federal Employees Health Benefits Program for their health care, and our congressional staff makes up a large number of those women. So I ask Members to look at their female staff who work so hard for all of us, who serve our districts and ask how they can stand not to provide these young women with reproductive health services, health services that would allow their health plans to cover abortion services. How could they not allow them to be covered even if their health or future fertility were at stake?

As Members of Congress, we have an obligation to offer women in public service a full range of reproductive health options, including abortion services. I want all of us to vote for the DeLauro amendment to allow Federal plans to offer health services to cover abortions.

Mr. SMITH of New Jersey. Mr. Chairman, may I inquire how much time remains on both sides.

The CHAIRMAN. The gentleman from New Jersey (Mr. SMITH) has 45 seconds remaining. The gentlewoman from Connecticut (Ms. DELAURO) has 6 minutes remaining.

Mr. SMITH of New Jersey. Mr. Chairman, I reserve the balance of my time.

Ms. DELAURO. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I rise to support the DeLauro amendment to strike the provision which bans Federal health plans from offering abortion coverage. Approximately two-thirds of private fee-for-service plans and 70 percent of HMOs provide abortion coverage.

Until 1995, the Federal Government in its employee benefit plans likewise provided this coverage, but we have allowed the anti-choice forces in this House to substitute their judgment and their morality and their opinions to impose those opinions and judgments on the women in the workforce of the United States. This is shameful and unjust.

We should not allow the ideological bias of some Members to decide what more than a million employees of the

Federal Government can do with their own compensation.

By specifying what they can do with their own compensation, we are seriously intruding into their privacy and their control over their own salaries and benefits.

Mr. Chairman, a moment ago it was alluded to the fact or to the assertion that what will be remembered in the future is what we do with respect to the lives of innocents. Well, the fact is there is a difference of opinion as to when life begins, and we say that a woman must have the ability to make her own moral choices and not have the Government make that choice. The Supreme Court says that, too; but we are misusing the power of this House to say we cannot impose our will on the women of America in terms of whether they choose to have an abortion. We cannot substitute our judgments for theirs, but we can substitute our judgment for those who happen to work for the Federal Government because we can make sure that their insurance will not cover it. That is wrong. They have the right to make their own moral judgments. Every woman must make a moral judgment for herself and we should not substitute the judgments of the Members of this House for theirs. That is an arrogant form of moral imperialism, and we should not do it.

Ms. DELAURO. Mr. Chairman, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I join my colleague, the gentlewoman from Connecticut (Ms. DELAURO), and congratulate her for her leadership and support of a woman's right to choose and rise in strong support of her amendment.

This is the 151 vote on choice since the beginning of the 104th Congress; and once again, this Congress is attempting to deny women access to legal health services.

Mr. Chairman, it was only 5 years ago that I and millions of other women employed in Federal service received a notice in the mail that our health insurance coverage by law would no longer cover abortion. It was one small notice in the mail but one giant step backward for a woman's right to choose.

This amendment would simply give health care providers of Federal employees the option of providing a full range of reproductive health services, including abortion. This restriction is another attempt by anti-choice forces on the other side of the aisle to make abortion less accessible to women. Not only does it discriminate against women in public service, but it endangers their health. It is wrong and unfair, and that notice took us backward. We need to correct it with this amendment and take women forward once again.

Ms. DELAURO. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the ranking member of the committee.

Mr. HOYER. Mr. Chairman, I thank the gentlewoman from Connecticut (Ms. DELAURO) for yielding me this time.

Mr. Chairman, this has been called an amendment on choice or life. I have argued this amendment repeatedly and have lost. This amendment is, I think, about whose money is it.

Now, I have propounded this argument before, and it has been rejected by the majority of this House. The gentleman from Pennsylvania (Mr. PITTS) said, and numerous other speakers have said about our money, that it is the taxpayers' money, the Federal Government's money. Now, a Federal employee is in a unique position in that 100 percent of their compensation package, salary, health benefits and retirement, are paid by the taxpayer. If one adopts the premise of the opponents of this amendment, then the Federal employee ought to be in the position of being told how to spend 100 percent of their money. That is the logical conclusion one must draw from the arguments being made today.

The Federal employee goes to work and is told we are going to pay X number of dollars, we are going to get health benefits and there is going to be a retirement system. That is their compensation package.

We take the position, apparently, that with respect to part of it, we are going to tell them how to spend it. We do not tell any other employees in the Nation how they can spend their package. We do not do it. So all of this is turned into a device to the same argument that deeply divides our Nation.

□ 1800

Mr. HOYER. Mr. Chairman, we take this debate and convert it into a debate over an issue that deeply divides this Nation and is an excruciatingly difficult issue. That is unfortunate, because in my opinion, this ought not to be a difficult issue. Because it is about whether or not Federal employees are equal to all other employees in terms of spending their money. It is not the taxpayers' money; they earned it, and the taxpayer converted it to the Federal employee in return for the services they perform for the Federal Government. It is the Federal employees' money.

Now, yes, part of that compensation is, we pay 72 percent of the benefits, but they choose the policy, and they have a wide variety of policies, because we have an excellent program as part of their compensation package.

So, Mr. Chairman, I ask my colleagues to try to look at what the substance of this does. I tell my friend, and good friend from New Jersey, the issue that he argues passionately about I respect him for. It is not, however, the issue raised by this amendment, I would suggest to him.

Mr. SMITH of New Jersey. Mr. Chairman, I yield the remainder of the time to the distinguished gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, very briefly, I think my position on this matter of choice is fairly well known. I have long supported a woman's right to choose. I find myself in a somewhat different position today here, as the chairman of the subcommittee.

What we have attempted to do as a subcommittee is to cut through this Gordian's knot by taking the position that this House has spoken about fairly clearly in the last couple of years. On the one hand, we do have the prohibition, which the gentlewoman from Connecticut (Ms. DELAURO) seeks to strike, that prevents health benefits for Federal employees from including any kind of abortion service. On the other hand, we do also have the provision in there which was debated and fought over this last year which allows for contraceptive services to be offered for those who have Federal employment health benefits.

While this is a difficult position and one that I may not completely support myself, I do believe the position of the committee and the position of the House is in this legislation and should be supported. For that reason, I oppose the amendment.

The CHAIRMAN. The time of the gentleman from Arizona has expired.

The question is on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. DELAURO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 560, further proceedings on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) will be postponed.

Mr. KOLBE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. DREIER, 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. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

MODIFICATION TO ORDER OF THE HOUSE OF TODAY LIMITING AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4871, TREASURY AND GENERAL GOVERNMENT APPROPRIATION ACT, 2001

Mr. KOLBE. Mr. Speaker, to correct apparently an error in propounding my earlier unanimous consent request, I now ask unanimous consent that during further consideration of H.R. 4871 in the Committee of the Whole, pursuant to House Resolution 560 and the order of the House of earlier today, the gentleman from Virginia (Mr. DAVIS) be permitted to offer an amendment regarding Federal contracts in lieu of an amendment regarding Federal election contracts.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Arizona?

There was no objection.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 560 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. 4871.

□ 1804

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. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the demand for a recorded vote on the amendment by the gentlewoman from Connecticut (Ms. DELAURO) had been postponed and title V was open for amendment at any point.

Pursuant to the order of the House today, the previous order of the House shall be corrected to read, an amendment by ''Mr. DAVIS of Virginia, regarding Federal contracts.''

Are there further amendments to title V?

AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. 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. INSLEE:

Page 64, after line 8, insert the following new section:

SEC. 521. Not later than 90 days after the date of the enactment of this Act, the Inspector General of each agency funded under this Act shall submit to the Congress a report that discloses—

(1) any agency activity related to the collection or review of singular data, or the creation of aggregate lists that include personally identifiable information, about individuals who access any Internet site of the agency; and

(2) any agency activity related to entering into agreements with third parties, including other government agencies, to collect, review, or obtain aggregate lists or singular data containing personally identifiable information relating to any individual's access or viewing habits to nongovernmental Internet sites.

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) reserves a point of order.

Pursuant to the order of the House of today, the gentleman from Washington (Mr. INSLEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a privacy amendment we are offering to assure ourselves that Congress is made aware of privacy violations or concerns that arise from agencies' review of citizens' actions on the Internet. What we have fashioned here is a relatively simple amendment that will require these agencies, under Treasury and others subject to these appropriations, to report to Congress of any monitoring activities that these agencies are involved in on our use of Internet sites.

Now, what has indicated that this is appropriate is both the proliferation of our use of the Internet and our citizens' use of the Internet, but also some legitimate concerns we have of some of the agencies' activity in monitoring citizens' actions on the Internet.

For instance, we have been told that the Office of National Drug Control Policy had placed cookies on sites that would essentially allow tracking of personal identifiable information and how people surf or travel through the Internet.

There are very legitimate privacy concerns that Congress ought to be aware of before those agency monitoring activities are allowed to continue. We know about the explosion of the Internet; we also are aware of the potential explosion in the violation of citizens' privacy if we do not ride herd on potentially problematic privacy violations. So what our amendment would seek to do is simply require the agencies to notify Congress of the nature of these activities by Federal agencies.

Our people are very concerned and increasingly concerned about privacy on the Internet and otherwise, and it is certainly appropriate that we in Congress as the elected officials know about those potential privacy violations by our own government. This amendment would, in fact, make sure that these agencies told the elected officials about those privacy violations if they were occurring, or at least allow us to determine what should be or should not be allowed in monitoring Internet access by our citizens.

Mr. Chairman, this is a basic, fundamental American right. Let us pass this amendment. I hope the chairman actually would allow it so that we can make sure in Congress that privacy rights of citizens are not being violated.

Mr. Chairman, I reserve the balance of my time.

Mr. KOLBE. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

The question is on the amendment offered by the gentleman from Washington (Mr. INSLEE).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SEC. 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2001 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than 5 percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to

Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 604. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel, or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

SEC. 605. Unless otherwise specified during the current fiscal year, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States; (2) is a person in the service of the United States on the date of the enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States; (3) is a person who owes allegiance to the United States; (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence; (5) is a South Vietnamese, Cambodian, or Laotian refugee paroled in the United States after January 1, 1975; or (6) is a national of the People's Republic of China who qualifies for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than 1 year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, or the Republic of the Philippines, or to nationals of those countries allied with the United States in a current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed 60 days) as a result of emergencies.

SEC. 606. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 607. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials, including Federal records disposed of pursuant to a records schedule recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention, and recycling programs as described in Executive Order No. 13101 (September 14, 1998), including any such programs adopted prior to the effective date of the Executive Order.

(2) Other Federal agency environmental management programs, including, but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 608. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 609. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 610. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards (except Federal Executive Boards), commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 611. Funds made available by this or any other Act to the Postal Service Fund (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318a and 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318c).

SEC. 612. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 613. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for fiscal year 2001, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 613 of the Treasury and General Government Appropriations Act, 2000, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 2001, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 613; and

(2) during the period consisting of the remainder of fiscal year 2001, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 2001 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 2001 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 2000 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 2000, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 2000, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 2000.

(f) For the purpose of administering any provision of law (including any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 614. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be

obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer, or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations. For the purposes of this section, the word ''office'' shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 615. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the Committees on Appropriations, except that the Federal Law Enforcement Training Center is authorized to obtain the temporary use of additional facilities by lease, contract, or other agreement for training which cannot be accommodated in existing Center facilities.

SEC. 616. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order No. 12472 (April 3, 1984).

SEC. 617. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 618. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 2001 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 619. None of the funds made available in this Act for the United States Customs Service may be used to allow the importation into the United States of any good, ware, article, or merchandise mined, produced, or manufactured by forced or indentured child labor, as determined pursuant to section 307 of the Tariff Act of 1930 (19 U.S.C. 1307).

SEC. 620. No part of any appropriation contained in this or any other Act shall be available for the payment of the salary of any officer or employee of the Federal Government, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any other officer or employee of the Federal Government from having any direct oral or written communication or contact with any Member, committee, or subcommittee of the Congress in connection with any matter pertaining to the employment of such other officer or employee or pertaining to the department or agency of such other officer or employee in any way, irrespective of whether such communication or contact is at the initiative of such other officer or employee or in response to the request or inquiry of such Member, committee, or subcommittee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any other officer or employee of the Federal Government, or attempts or threatens to commit any of the foregoing actions with respect to such other officer or employee, by reason of any communication or contact of such other officer or employee with any Member, committee, or subcommittee of the Congress as described in paragraph (1).

SEC. 621. (a) None of the funds made available in this or any other Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or ''new age'' belief systems as defined in Equal Employment Opportunity Commission Notice N–915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 622. No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4355 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: ''These restrictions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by Executive Order No. 12958; section 7211 of title 5, United States Code (governing disclosures to Congress); section 1034 of title 10, United States Code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); section 2302(b)(8) of title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that could expose confidential Government agents); and the statutes which protect against disclosure that may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by said Executive order and listed statutes are incorporated into this agreement and are controlling.'': *Provided*, That notwithstanding the preceding paragraph, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

SEC. 623. No part of any funds appropriated in this or any other Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 624. (a) IN GENERAL.—For calendar year 2002, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(A) in the aggregate;

(B) by agency and agency program; and

(C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 625. None of the funds appropriated by this or any other Act may be used by an agency to provide a Federal employee's home address to any labor organization except when the employee has authorized such disclosure or when such disclosure has been ordered by a court of competent jurisdiction.

SEC. 626. Hereafter, the Secretary of the Treasury is authorized to establish scientific certification standards for explosives detection canines, and shall provide, on a reimbursable basis, for the certification of explosives detection canines employed by Federal agencies, or other agencies providing explosives detection services at airports in the United States.

SEC. 627. None of the funds made available in this Act or any other Act may be used to provide any non-public information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the Committees on Appropriations.

SEC. 628. No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 629. (a) In this section the term ''agency''—

(1) means an Executive agency as defined under section 105 of title 5, United States Code;

(2) includes a military department as defined under section 102 of such title, the Postal Service, and the Postal Rate Commission; and

(3) shall not include the General Accounting Office.

(b) Unless authorized in accordance with law or regulations to use such time for other purposes, an employee of an agency shall use official time in an honest effort to perform official duties. An employee not under a leave system, including a Presidential appointee exempted under section 6301(2) of title 5, United States Code, has an obligation to expend an honest effort and a reasonable proportion of such employee's time in the performance of official duties.

SEC. 630. Section 638(h) of the Treasury and General Government Appropriations Act, 2000 (Public Law 106–58) is amended by striking ''at noon on January 20, 2001'' and inserting ''on May 1, 2001''.

SEC. 631. (a) None of the funds appropriated by this Act may be used to enter into or renew a contract which includes a provision providing prescription drug coverage, except where the contract also includes a provision for contraceptive coverage.

(b) Nothing in this section shall apply to a contract with—

(1) any of the following religious plans:

(A) Personal Care's HMO;

(B) Care Choices;

(C) OSF Health Plans, Inc.; and

(2) any existing or future plan, if the carrier for the plan objects to such coverage on the basis of religious beliefs.

(c) In implementing this section, any plan that enters into or renews a contract under this section may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individual's religious beliefs or moral convictions.

(d) Nothing in this section shall be construed to require coverage of abortion or abortion-related services.

SEC. 632. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act to any 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 administrative costs, as determined by the JFMIP, but not to exceed a total of $800,000 including the salary of the Executive Director and staff support.

SEC. 633. Notwithstanding 31 U.S.C. 1346 and section 610 of this Act, the head of each Executive department and agency is hereby authorized to transfer to the ''Policy and Operations'' account, General Services Administration, with the approval of the Director of the Office of Management and Budget, funds made available for fiscal year 2001 by this or any other Act, including rebates from charge card and other contracts. These funds shall be administered by the Administrator of General Services to support Government-wide financial, information technology, procurement, and other management innovations, initiatives, and activities, as approved by the Director of the Office of Management and Budget, in consultation with the appropriate interagency groups designated by the Director (including the Chief Financial Officers Council and the Joint Financial Management Improvement Program for financial management initiatives, the Chief Information Officers Council for information technology initiatives, and the Procurement Executives Council for procurement initiatives). The total funds transferred shall not exceed $17,000,000. Such transfers may only be made 15 days following notification of the Committees on Appropriations by the Director of the Office of Management and Budget.

SEC. 634. (a) IN GENERAL.—In accordance with regulations promulgated by the Office of Personnel Management, an Executive agency which provides or proposes to provide child care services for Federal employees may use funds (otherwise available to such agency for salaries and expenses) to provide child care, in a Federal or leased facility, or through contract, for civilian employees of such agency.

(b) AFFORDABILITY.—Amounts so provided with respect to any such facility or contractor shall be applied to improve the affordability of child care for lower income Federal employees using or seeking to use the child care services offered by such facility or contractor.

(c) ADVANCES.—Notwithstanding 31 U.S. Code 3324, amounts paid to licensed or regulated child care providers may be paid in advance of services rendered, covering agreed upon periods, as appropriate.

(d) DEFINITION.—For purposes of this section, the term ''Executive agency'' has the meaning given such term by section 105 of title 5, United States Code, but does not include the General Accounting Office.

(e) NOTIFICATION.—None of the funds made available in this or any other Act may be used to implement the provisions of this section absent advance notification to the Committees on Appropriations.

SEC. 635. Notwithstanding any other provision of law, a woman may breastfeed her child at any location in a Federal building or on Federal property, if the woman and her child are otherwise authorized to be present at the location.

SEC. 636. Notwithstanding section 1346 of title 31, United States Code, or section 610 of this Act, funds made available for fiscal year 2001 by this or any other Act shall be available for the interagency funding of specific projects, workshops, studies, and similar efforts to carry out the purposes of the National Science and Technology Council (authorized by Executive Order No. 12881), which benefit multiple Federal departments, agencies, or entities: *Provided*, That the Office of Management and Budget shall provide a report describing the budget of and resources connected with the National Science and Technology Council to the Committees on Appropriations, the House Committee on Science; and the Senate Committee on Commerce, Science, and Transportation 90 days after enactment of this Act.

SEC. 637. (a) CLARIFICATION OF ELECTION CYCLE REPORTING OF CERTAIN EXPENDITURES.—Section 304(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)), as amended by section 641(a) of the Treasury and General Government Appropriations Act, 2000 (Public Law 106–58), is amended—

(1) in paragraph (5)(A), by inserting after ''calendar year'' the following: ''(or election cycle, in the case of an authorized committee of a candidate for Federal office)'';

(2) in paragraph (6)(A), by striking ''calendar year (or election cycle, in the case of an authorized committee of a candidate for Federal office)'' and inserting ''election cycle''; and

(3) in paragraphs (6)(B)(iii) and (6)(B)(v), by striking ''(or election cycle, in the case of an authorized committee of a candidate for Federal office)'' each place it appears.

(b) CLARIFICATION OF PERMISSIBLE USE OF FACSIMILE MACHINES AND ELECTRONIC MAIL TO FILE REPORTS.—Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434) is amended by adding at the end the following new subsection:

''(d)(1) Any person who is required to file a report, designation, or statement under this Act, except those required to file electronically pursuant to subsection (a)(11)(A)(i), with respect to a contribution or expenditure not later than 24 hours after the contribution or expenditure is made or received may file the report, designation, or statement by facsimile device or electronic mail, in accordance with such regulations as the Commission may promulgate.

''(2) The Commission shall make a document which is filed electronically with the Commission pursuant to this paragraph accessible to the public on the Internet not later than 24 hours after the document is received by the Commission.

''(3) In promulgating a regulation under this paragraph, the Commission shall provide methods (other than requiring a signature on the document being filed) for verifying the documents covered by the regulation. Any document verified under any of the methods shall be treated for all purposes (including penalties for perjury) in the same manner as a document verified by signature.''.

(c) TREATMENT OF LINES OF CREDIT OBTAINED BY CANDIDATES AS COMMERCIALLY REASONABLE LOANS.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(1) by striking ''and'' at the end of clause (xiii);

(2) by striking the period at the end of clause (xiv) and inserting ''; and''; and

(3) by adding at the end the following new clause:

''(xv) any loan of money derived from an advance on a candidate's brokerage account, credit card, home equity line of credit, or other line of credit available to the candidate, if such loan is made in accordance with applicable law and under commercially reasonable terms and if the person making such loan makes loans in the normal course of the person's business.''.

(d) EXPEDITING AVAILABILITY OF REPORTS ON LAST MINUTE FUNDS.—

(1) REQUIRING REPORTS FOR ALL CONTRIBUTIONS MADE WITHIN 20 DAYS OF ELECTION; REQUIRING REPORTS TO BE MADE WITHIN 24 HOURS.—Section 304(a)(6)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)(A)) is amended—

(A) by striking ''after the 20th day, but more than 48 hours before any election'' and inserting ''during the period which begins after the 20th day before an election and ends at the time the polls close for such election''; and

(B) in the second sentence, by striking ''within 48 hours after the receipt of such contribution'' and inserting the following: ''not later than 24 hours after the receipt of such contribution or midnight of the day on which the contribution is deposited (whichever is earlier),''.

(2) REQUIRING ACTUAL RECEIPT OF CERTAIN INDEPENDENT EXPENDITURE REPORTS WITHIN 24 HOURS.—

(A) IN GENERAL.—Section 304(c)(2) of such Act (2 U.S.C. 434(c)(2)) is amended in the matter following subparagraph (C)—

(i) by striking ''shall be reported'' and inserting ''shall be filed''; and

(ii) by adding at the end the following new sentence: ''Notwithstanding subsection (a)(5), the time at which the statement under this subsection is received by the Secretary, the Commission, or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.''.

(B) CONFORMING AMENDMENT.—Section 304(a)(5) of such Act (2 U.S.C. 434(a)(5)) is amended by striking ''or (4)(A)(ii)'' and inserting ''or (4)(A)(ii), or the second sentence of subsection (c)(2)''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after January 2001.

SEC. 638. RETIREMENT PROVISIONS RELATING TO CERTAIN MEMBERS OF THE POLICE FORCE OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.—(a) QUALIFIED MWAA POLICE OFFICER DEFINED.—For purposes of this section, the term ''qualified MWAA police officer'' means any individual who, as of the date of enactment of this Act—

(1) is employed as a member of the police force of the Metropolitan Washington Airports Authority (hereinafter in this section referred to as an ''MWAA police officer''); and

(2) is subject to the Civil Service Retirement System or the Federal Employees' Retirement System by virtue of section 49107(b) of title 49, United States Code.

(b) ELIGIBILITY TO BE TREATED AS A LAW ENFORCEMENT OFFICER FOR RETIREMENT PURPOSES.—

(1) IN GENERAL.—Any qualified MWAA police officer may, by written election submitted in accordance with applicable requirements under subsection (c), elect to be treated as a law enforcement officer (within the meaning of section 8331 or 8401 of title 5, United States Code, as applicable), and to have all prior service described in paragraph (2) similarly treated.

(2) PRIOR SERVICE DESCRIBED.—The service described in this paragraph is all service which an individual performed, prior to the effective date of such individual's election under this section, as—

(A) an MWAA police officer; or

(B) a member of the police force of the Federal Aviation Administration (hereinafter in this section referred to as an ''FAA police officer'').

(c) REGULATIONS.—The Office of Personnel Management shall prescribe any regulations necessary to carry out this section, including provisions relating to the time, form, and manner in which any election under this section shall be made. Such an election shall not be effective unless—

(1) it is made before the employee separates from service with the Metropolitan Washington Airports Authority, but in no event later than 1 year after the regulations under this subsection take effect; and

(2) it is accompanied by payment of an amount equal to, with respect to all prior service of such employee which is described in subsection (b)(2)—

(A) the employee deductions that would have been required for such service under chapter 83 or 84 of title 5, United States Code (as the case may be) if such election had then been in effect, minus

(B) the total employee deductions and contributions under such chapter 83 and 84 (as applicable) that were actually made for such service,

taking into account only amounts required to be credited to the Civil Service Retirement and Disability Fund. Any amount under paragraph (2) shall be computed with interest, in accordance with section 8334(e) of such title 5.

(d) GOVERNMENT CONTRIBUTIONS.—Whenever a payment under subsection (c)(2) is made by an individual with respect to such individual's prior service (as described in subsection (b)(2)), the Metropolitan Washington Airports Authority shall pay into the Civil Service Retirement and Disability Fund any additional contributions for which it would have been liable, with respect to such service, if such individual's election under this section had then been in effect (and, to the extent of any prior FAA police officer service, as if it had then been the employing agency). Any amount under this subsection shall be computed with interest, in accordance with section 8334(e) of title 5, United States Code.

(e) CERTIFICATIONS.—The Office of Personnel Management shall accept, for the purpose of this section, the certification of—

(1) the Metropolitan Washington Airports Authority (or its designee) concerning any service performed by an individual as an MWAA police officer; and

(2) the Federal Aviation Administration (or its designee) concerning any service performed by an individual as an FAA police officer.

(f) REIMBURSEMENT TO COMPENSATE FOR UNFUNDED LIABILITY.—

(1) IN GENERAL.—The Metropolitan Washington Airports Authority shall pay into the Civil Service Retirement and Disability Fund an amount (as determined by the Director of the Office of Personnel Management) equal to the amount necessary to reimburse the Fund for any estimated increase in the unfunded liability of the Fund (to the extent the Civil Service Retirement System is involved), and for any estimated increase in the supplemental liability of the Fund (to the extent the Federal Employees' Retirement System is involved), resulting from the enactment of this section.

(2) PAYMENT METHOD.—The Metropolitan Washington Airports Authority shall pay the amount so determined in 5 equal annual installments, with interest (which shall be computed at the rate used in the most recent valuation of the Federal Employees' Retirement System).

SEC. 639. (a) For purposes of this section—

(1) the term ''comparability payment'' refers to a locality-based comparability payment under section 5304 of title 5, United States Code;

(2) the term ''President's pay agent'' refers to the pay agent described in section 5302(4) of such title; and

(3) the term ''pay locality'' has the meaning given such term by section 5302(5) of such title.

(b) Notwithstanding any provision of section 5304 of title 5, United States Code, for purposes of determining appropriate pay localities and making comparability payment recommendations, the President's pay agent may, in accordance with succeeding provisions of this section, make comparisons of General Schedule pay and non-Federal pay within any of the metropolitan statistical areas described in subsection (d)(3), using—

(1) data from surveys of the Bureau of Labor Statistics;

(2) salary data sets obtained under subsection (c); or

(3) any combination thereof.

(c) To the extent necessary in order to carry out this section, the President's pay agent may obtain any salary data sets (referred to in subsection (b)) from any organization or entity that regularly compiles similar data for businesses in the private sector.

(d)(1)(A) This paragraph applies with respect to the 5 metropolitan statistical areas described in paragraph (3) which—

(i) have the highest levels of nonfarm employment (as determined based on data made available by the Bureau of Labor Statistics); and

(ii) as of the date of enactment of this Act, have not previously been surveyed by the Bureau of Labor Statistics (as discrete pay localities) for purposes of section 5304 of title 5, United States Code.

(B) The President's pay agent, based on such comparisons under subsection (b) as the pay agent considers appropriate, shall (i) determine whether any of the 5 areas under subparagraph (A) warrants designation as a discrete pay locality, and (ii) if so, make recommendations as to what level of comparability payments would be appropriate during 2002 for each area so determined.

(C)(i) Any recommendations under subparagraph (B)(ii) shall be included—

(I) in the pay agent's report under section 5304(d)(1) of title 5, United States Code, submitted for purposes of comparability payments scheduled to become payable in 2002; or

(II) if compliance with subclause (I) is impracticable, in a supplementary report which the pay agent shall submit to the President and the Congress no later than March 1, 2001.

(ii) In the event that the recommendations are completed in time to be included in the report described in clause (i)(I), a copy of those recommendations shall be transmitted by the pay agent to the Congress contemporaneous with their submission to the President.

(D) Each of the 5 areas under subparagraph (A) that so warrants, as determined by the

President's pay agent, shall be designated as a discrete pay locality under section 5304 of title 5, United States Code, in time for it to be treated as such for purposes of comparability payments becoming payable in 2002.

(2) The President's pay agent may, at any time after the 180th day following the submission of the report under subsection (f), make any initial or further determinations or recommendations under this section, based on any pay comparisons under subsection (b), with respect to any area described in paragraph (3).

(3) An area described in this paragraph is any metropolitan statistical area within the continental United States that (as determined based on data made available by the Bureau of Labor Statistics and the Office of Personnel Management, respectively) has a high level of nonfarm employment and at least 2,500 General Schedule employees whose post of duty is within such area.

(e)(1) The authority under this section to make pay comparisons and to make any determinations or recommendations based on such comparisons shall be available to the President's pay agent only for purposes of comparability payments becoming payable on or after January 1, 2002, and before January 1, 2007, and only with respect to areas described in subsection (d)(3).

(2) Any comparisons and recommendations so made shall, if included in the pay agent's report under section 5304(d)(1) of title 5, United States Code, for any year (or the pay agent's supplementary report, in accordance with subsection (d)(1)(C)(i)(II)), be considered and acted on as the pay agent's comparisons and recommendations under such section 5304(d)(1) for the area and the year involved.

(f)(1) No later than March 1, 2001, the President's pay agent shall submit to the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate, a report on the use of pay comparison data, as described in subsection (b)(2) or (3) (as appropriate), for purposes of comparability payments.

(2) The report shall include the cost of obtaining such data, the rationale underlying the decisions reached based on such data, and the relative advantages and disadvantages of using such data (including whether the effort involved in analyzing and integrating such data is commensurate with the benefits derived from their use). The report may include specific recommendations regarding the continued use of such data.

(g)(1) No later than May 1, 2001, the President's pay agent shall prepare and submit to the committees specified in subsection (f)(1) a report relating to the ongoing efforts of the Office of Personnel Management, the Office of Management and Budget, and the Bureau of Labor Statistics to revise the methodology currently being used by the Bureau of Labor Statistics in performing its surveys under section 5304 of title 5, United States Code.

(2) The report shall include a detailed accounting of any concerns the pay agent may have regarding the current methodology, the specific projects the pay agent has directed any of those agencies to undertake in order to address those concerns, and a time line for the anticipated completion of those projects and for implementation of the revised methodology.

(3) The report shall also include recommendations as to how those ongoing efforts might be expedited, including any additional resources which, in the opinion of the pay agent, are needed in order to expedite completion of the activities described in the preceding provisions of this subsection, and the reasons why those additional resources are needed.

SEC. 640. (a) CIVIL SERVICE RETIREMENT SYSTEM.—The table under section 8334(c) of title 5, United States Code, is amended—

(1) in the matter relating to an employee by striking:

''7.5	January 1, 2001, to December 31, 2002.
7	After December 31, 2002.''

and inserting the following:

''7	After December 31, 2000.'';

(2) in the matter relating to a Member or employee for Congressional employee service by striking:

''8	January 1, 2001, to December 31, 2002.
7.5	After December 31, 2002.''

and inserting the following:

''7.5	After December 31, 2000.'';

(3) in the matter relating to a law enforcement officer for law enforcement service and firefighter for firefighter service by striking:

''8	January 1, 2001, to December 31, 2002.
7.5	After December 31, 2002.''

and inserting the following:

''7.5	After December 31, 2000.'';

(4) in the matter relating to a bankruptcy judge by striking:

''8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002.''

and inserting the following:

''8	After December 31, 2000.'';

(5) in the matter relating to a judge of the United States Court of Appeals for the Armed Forces for service as a judge of that court by striking:

''8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002.''

and inserting the following:

''8	After December 31, 2000.'';

(6) in the matter relating to a United States magistrate by striking:

''8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002.''

and inserting the following:

''8	After December 31, 2000.'';

(7) in the matter relating to a Court of Federal Claims judge by striking:

''8.5	January 1, 2001, to December 31, 2002.
8	After December 31, 2002.''

and inserting the following:

''8	After December 31, 2000.'';

(8) in the matter relating to a member of the Capitol Police by striking:

''8	January 1, 2001, to December 31, 2002.
7.5	After December 31, 2002.''

and inserting the following:

''7.5	After December 31, 2000.'';

and

(9) in the matter relating to a nuclear materials courier by striking:

''8	January 1, 2001 to December 31, 2002.
7.5	After December 31, 2002.''

and inserting the following:

''7.5	After December 31, 2000.''.

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Section 8422(a) of title 5, United States Code, is amended by striking paragraph (3) and inserting the following:

''(3) The applicable percentage under this paragraph for civilian service shall be as follows:

''Employee	7	January 1, 1987, to December 31, 1998.
	7.25	January 1, 1999, to December 31, 1999.
	7.4	January 1, 2000, to December 31, 2000.
	7	After December 31, 2000.
Congressional employee.	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.
Member	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	8	January 1, 2001, to December 31, 2002.
	7.5	After December 31, 2002.
Law enforcement officer, firefighter, member of the Capitol Police, or air traffic controller.	7.5	January 1, 1987, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.
Nuclear materials courier.	7	January 1, 1987, to October 16, 1998.
	7.5	October 17, 1998, to December 31, 1998.
	7.75	January 1, 1999, to December 31, 1999.
	7.9	January 1, 2000, to December 31, 2000.
	7.5	After December 31, 2000.''.

(2) MILITARY SERVICE.—Section 8422(e)(6) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting ''and'' after the semicolon;

(B) in subparagraph (B), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (C).

(3) VOLUNTEER SERVICE.—Section 8422(f)(4) of title 5, United States Code, is amended—

(A) in subparagraph (A), by inserting ''and'' after the semicolon;

(B) in subparagraph (B), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (C).

(c) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Section 7001(c)(2) of the Balanced Budget Act of 1997 (50 U.S.C. 2021 note) is amended—

(A) in the matter before the colon, by striking ''December 31, 2002'' and inserting ''December 31, 2000''; and

(B) in the matter after the colon, by striking all that follows ''December 31, 2000.''.

(2) MILITARY SERVICE.—Section 252(h)(1)(A) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2082(h)(1)(A)), is amended—

(A) in the matter before the colon, by striking ''December 31, 2002'' and inserting ''December 31, 2000''; and

(B) in the matter after the colon, by striking all that follows ''December 31, 2000.''.

(d) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Section 7001(d)(2) of the Balanced Budget Act of 1997 (22 U.S.C. 4045 note) is amended—

(A) in subparagraph (A)—

(i) in the matter before the colon, by striking ''December 31, 2002'' and inserting ''December 31, 2000''; and

(ii) in the matter after the colon, by striking all that follows ''December 31, 2000.''; and

(B) in subparagraph (B)—

(i) in the matter before the colon, by striking ''December 31, 2002'' and inserting ''December 31, 2000''; and

(ii) in the matter after the colon, by striking all that follows ''December 31, 2000.''.

(2) CONFORMING AMENDMENT.—Section 805(d)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4045(d)(1)) is amended, in the table in the matter following subparagraph (B), by striking:

''January 1, 2001, through December 31, 2002, inclusive.	7.5
After December 31, 2002	7''

and inserting the following:

''After December 31, 2000	7''.

(e) FOREIGN SERVICE PENSION SYSTEM.—

(1) IN GENERAL.—Section 856(a)(2) of the Foreign Service Act of 1980 (22 U.S.C. 4071e(a)(2)) is amended by striking all that follows ''December 31, 2000.'' and inserting the following:

''7.5	After December 31, 2000.''.

(2) VOLUNTEER SERVICE.—Section 854(c)(1) of the Foreign Service Act of 1980 (22 U.S.C. 4071c(c)(1)) is amended—

(A) in the matter before the colon, by striking ''December 31, 2002'' and inserting ''December 31, 2000''; and

(B) in the matter after the colon, by striking all that follows ''December 31, 2000.''.

(f) CIVIL SERVICE RETIREMENT SYSTEM.—Notwithstanding section 8334 (a)(1) or (k)(1) of title 5, United States Code, during the period beginning on October 1, 2002, through December 31, 2002, each employing agency (other than the United States Postal Service or the Metropolitan Washington Airports Authority) shall contribute—

(1) 7.5 percent of the basic pay of an employee;

(2) 8 percent of the basic pay of a congressional employee, a law enforcement officer, a member of the Capitol police, a firefighter, or a nuclear materials courier; and

(3) 8.5 percent of the basic pay of a Member of Congress, a Court of Federal Claims judge, a United States magistrate, a judge of the United States Court of Appeals for the Armed Forces, or a bankruptcy judge;

in lieu of the agency contributions otherwise required under section 8334(a)(1) of such title 5.

(g) CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM.—Notwithstanding section 211(a)(2) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2021(a)(2)), during the period beginning on October 1, 2002, through December 31, 2002, the Central Intelligence Agency shall contribute 7.5 percent of the basic pay of an employee participating in the Central Intelligence Agency Retirement and Disability System in lieu of the agency contribution otherwise required under section 211(a)(2) of such Act.

(h) FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM.—Notwithstanding any provision of section 805(a) of the Foreign Service Act of 1980 (22 U.S.C. 4045(a)), during the period beginning on October 1, 2002, through December 31, 2002, each agency employing a participant in the Foreign Service Retirement and Disability System shall contribute to the Foreign Service Retirement and Disability Fund—

(1) 7.5 percent of the basic pay of each participant covered under section 805(a)(1) of such Act participating in the Foreign Service Retirement and Disability System; and

(2) 8 percent of the basic pay of each participant covered under paragraph (2) or (3) of section 805(a) of such Act participating in the Foreign Service Retirement and Disability System;

in lieu of the agency contribution otherwise required under section 805(a) of such Act.

(i) The amendments made by this section shall take effect upon the close of calendar year 2000, and shall apply thereafter.

SEC. 641. (a) Section 304 of the Federal Election Campaign Act of 1971 (2 U.S.C. 434), as previously amended by this Act, is amended by adding at the end the following new subsection:

''(e)(1) In addition to any other information required to be reported under this section, the principal campaign committee of a candidate for the House of Representatives or for the Senate who uses any aircraft of the Federal government for any purpose which includes (in whole or in part) carrying out the candidate's campaign for election for Federal office (including using an aircraft of the Federal government for transportation to or from a campaign event), shall file with the Commission a statement containing the following information:

''(A) A description of the aircraft used, including the type or model.

''(B) The number of individuals who used the aircraft, including the candidate and those whose use of the aircraft was paid for (in whole or in part) by the committee.

''(C) The amount the candidate paid to reimburse the Federal government for the use of the aircraft, together with the methodology used to determine such amount, in accordance with section 106.3 of title 11, Code of Federal Regulations.

''(2) The statements required under this subsection shall be included with the reports filed by the principal campaign committee under subsection (a)(2), except that any statement with respect to the use of any aircraft after the 20th day, but more than 48 hours before the election shall be filed in accordance with subsection (a)(6).''.

(b) The amendment made by subsection (a) shall apply with respect to elections occurring after December 31, 2000.

SEC. 642. (a) Section 5545b(d) of title 5, United States Code, is amended by inserting at the end the following new paragraph:

''(4) Notwithstanding section 8114(e)(1), overtime pay for a firefighter subject to this section for hours in a regular tour of duty shall be included in any computation of pay under section 8114.''.

(b) The amendment in subsection (a) shall be effective as if it had been enacted as part of the Federal Firefighters Overtime Pay Reform Act of 1998 (112 Stat. 2681–519).

Mr. KOLBE (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 112, line 8, be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The CHAIRMAN. Are there amendments? If not, the Clerk will read the last section of the bill.

The Clerk read as follows:

SEC. 643. Section 6323(a) of title 5, United States Code, is amended by adding at the end the following:

''(3) The minimum charge for leave under this subsection is one hour, and additional charges are in multiples thereof.''.

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. 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. GILMAN:

At the appropriate place in the bill, insert the following new section:

SEC. ____. Section 616 of the Treasury, Postal Service and General Government Appropriations Act, 1988, as contained in the Act of December 22, 1987 (40 U.S.C. 490b), is amended by adding at the end the following:

''(e)(1) All existing and newly hired workers in any child care center located in an executive facility shall undergo a criminal history background check as defined in section 231 of the Crime Control Act of 1990 (42 U.S.C. 13041).

''(2) For purposes of this subsection, the term 'executive facility' means a facility that is owned or leased by an office or entity within the executive branch of the Government (including one that is owned or leased by the General Services Administration on behalf of an office or entity within the judicial branch of the Government).

''(3) Nothing in this subsection shall be considered to apply with respect to a facility owned by or leased on behalf of an office or entity within the legislative branch of the Government.''.

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from New York (Mr. GILMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is slightly changed from my original amendment, listed as Amendment No. 2 in the CONGRESSIONAL RECORD, and contains language clarifying the definition of an ''executive facility.''

Mr. Chairman, I rise today in support of the Gilman-Maloney-Morella amendment which seeks to close a loophole

regarding the safety of child care in Federal facilities throughout our Nation. I would like to thank the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from Maryland (Mrs. MORELLA) for their support of this issue and their dedication to improving the quality of child care for all children.

Congress passed the Crime Control Act in 1990, including a provision calling for mandatory background checks for employees hired by a Federal agency. However, some agencies have interpreted that law in such a way that many child care employees are not subjected to background checks.

Currently, Federal employees across the Nation undergo, at the bare minimum, a computer check of their background which includes FBI, INTERPOL and State police records. However, some child care workers who enter these same buildings on a daily basis do not. Federal employees who use federally provided child care should feel confident that these child care providers have backgrounds free of abusive and violent behavior that would prevent them from working with our children.

Moreover, this amendment helps to ensure the overall safety of our Federal buildings. Child care workers step into Federal buildings each day and look after children of Federal employees. Without performing background checks, the children in day care, as well as the employees in Federal facilities, are exposing themselves to possible violent acts in the workplace. A child care worker, with a history of violent criminal behavior, has the opportunity to create a terrorist situation, the likes of which have not been seen since the tragedy in Oklahoma City.

Child care providers working in Federal facilities throughout our Nation have somehow fallen through the cracks and have become exempt from undergoing a criminal history check. This amendment corrects that situation.

Mr. Chairman, I urge our colleagues to vote yes on the amendment.

Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

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Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Gilman-Maloney-Morella amendment to provide criminal background checks for all Federal child care employees. I am very happy to join my colleagues, the gentleman from New York (Mr. GILMAN) and the gentlewoman from Maryland (Mrs. MORELLA), who have been consistent leaders on child care.

I am very pleased that last year a provision offered by the gentlewoman from Maryland has been extended that allows Federal agencies the option of assisting employees with child care expenses. I am very pleased to be a lead cosponsor of several bills introduced by the gentleman from New York (Mr. GILMAN) to expand affordable and available day care.

In 1990, Congress passed the Crime Control Act, which mandates that Federal employees undergo background checks. But because of a funding loophole, this provision does not apply to those who take care of our children in Federal day care facilities. Each day, millions of families around the country go to work and leave children in day care.

Everyone assumes that our children are safe. Everyone assumes that the child care workers have certain kinds of training and children will be protected. Everyone hopes for the best. But because of a current loophole in the law, the people who we trust with our children could be criminals. Child care workers in Federal facilities are contracted through Federal agencies, and therefore, not hired directly by a Federal agency.

This is a dangerous loophole, and we need to correct it. We should not have to worry about who is taking care of our children simply because agencies do not view their child care employees as government agents. Certainly those who care for our children should not be exempt from this law.

This bipartisan amendment makes it clear, criminals will be unable to work in Federal child care agencies. Programs involving children deserve to be 100 percent safe and secure. We must take precautions so that our children, the world's future, are being cared for by people we trust.

I urge my colleagues to support the Gilman-Maloney-Morella amendment. We need to know who is watching our children. It is important. I urge a yes vote.

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for her supportive remarks, and I yield the balance of our time to the gentlewoman from Maryland (Mrs. MORELLA).

The CHAIRMAN. The gentlewoman from Maryland (Mrs. MORELLA) is recognized for 1 minute.

Mrs. MORELLA. Mr. Chairman, I rise to support strongly the Gilman-Maloney-Morella amendment. It is a commonsense proposal. It is one I think that everybody in this House can wholeheartedly endorse.

Currently, Federal employees across the country undergo at the bare minimum a computer check on their background, which includes FBI, Interpol, and police records. However, child care workers who enter these very same buildings on a daily basis do not. These individuals care for small children each day, and our Federal employees should be able to feel confident that they are leaving their children in a safe environment with qualified individuals.

Federal agencies have neglected to perform these background checks because these individuals are hired by the child care center, not the Federal government. But it only takes one missed background check to lead to a devastating situation.

We cannot afford to let that happen. I hope that Members will join me and the other authors of this amendment, the gentleman from New York (Mr. GILMAN) and the gentlewoman from New York (Mrs. MALONEY), in supporting this amendment to the Treasury-Postal appropriations bill and close this loophole.

The CHAIRMAN. Does any Member seek to claim the time in opposition?

The question is on the amendment offered by the gentleman from New York (Mr. GILMAN).

The amendment was agreed to.

AMENDMENT NO. 1 OFFERED BY MR. DEUTSCH

Mr. DEUTSCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DEUTSCH:

At the end of the bill, insert after the last section, preceding the short title, the following new section:

SEC. . None of the funds made available in this Act may be used to allow the importation into the United States of any product that is the growth, product, or manufacture of Iran.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Florida (Mr. DEUTSCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today there is an amendment in front of us which specifically deals with what is going on in Iran.

Right now there are forces in Iran which are really the most right-wing forces engaged in activities which have had detrimental effects to America's interests and concerns. The effect of the amendment will weaken those forces.

Mr. LAZIO. Mr. Chairman, will the gentleman yield?

Mr. DEUTSCH. I yield to the gentleman from New York.

Mr. LAZIO. Mr. Chairman, I thank the gentleman for yielding to me. I want to thank him for his working to craft the amendment, along with the gentlewoman from New York (Mrs. LOWEY) and with the gentleman from California (Mr. SHERMAN).

This is an important amendment. Mr. Chairman, in 1911 a Russian Jew named Mendel Beilis was arrested by the czar's secret police. He was accused of a crime resurrected from the dusty, murky depths of medieval anti-semitism, the blood libel. That was an

ancient myth that the ritual murder of a child was needed in order to make a Passover Matza. It was an utterly absurd assertion.

Mr. Chairman, we are witnessing an equally obscene perversion of justice today. Earlier this year, ten Jewish residents of the Iranian town of Shiraz were charged by the authorities of the Islamic Republic of Iraq of espionage for Israel.

Mr. Chairman, the analogies between these two cases are instructive. In both cases, there was not a shred of plausible evidence to support the prosecutors' case. In both cases, the government had clear political reasons to proceed with a groundless prosecution. In both of these cases, the scapegoats, who were sacrificed at the altar of political cynicism, were Jews.

Mr. Chairman, we have to support this amendment because it sends a very clear message that we will not tolerate injustice, we will not tolerate persecution, and we will not allow our laws to be used to help the Iranian government and the Iranian revolutionary court prosecute 10 Jews unjustly.

Mr. DEUTSCH. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, I urge my colleagues to support this amendment, which will send a strong message to the government of Iran and the world that the United States Congress will not tolerate Iran's blatant disregard for basic human rights.

We have heard about the so-called "moderation" of Iran, about the power struggle between the hard-line clerics and the reformists led by President Khatemi. I invite my colleagues to examine carefully the face of this moderation.

Ten Iranian Jews were recently sentenced on charges of spying for the United States and Israel. These 10 have been denied due process, were coerced into confessing on Iranian TV, and were prosecuted, judged, and sentenced by the same Revolutionary Court judge.

Since late May, over 20 newspapers and magazines associated with the reformists have been shut down by the Iranian government, silencing the voices of the independent press in that country.

And just recently, two prominent human rights lawyers in Iran were sent to prison, without trial, on charges of insulting public officials.

No reasonable person could call this "moderation."

My colleagues, Iran is not ready to join the community of nations. Each day, Iran produces more and more evidence that the terms of membership in this community—including respect for basic human rights, due process, and freedom, are not terms it can accept. Each day, Iran sends unmistakable messages to the world that it is not willing to embrace the mores of reasonable society. Each day, Iran continues to threaten its neighbors and pursue the development of weapons of mass destruction.

We have heard these messages loud and clear. And we should react accordingly. This is not the time to make concessions to Iran. This is not time to open up our markets to Iran, to allow the government to fill its coffers with dollars from the sale of Iranian goods to the United States. This is not the time to give Iran one iota of legitimacy in the international community. Legitimacy must be earned, and Iran has earned nothing.

I strongly urge my colleagues to support the Deutsch amendment, which would deny funding for the importation of Iranian products. We owe at least this much to the Iran 10, the independent journalists, the human rights lawyers, and all the people of Iran who are still not free.

Mr. DEUTSCH. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, these remarks will be titled, No Justice, No Caviar.

Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Florida. We should not do business with Iran until they respect human rights. No justice, no caviar.

On July 1, ten of the 13 Jews held on espionage charges in the southern Iranian city of Shiraz were convicted and sentenced to jail terms from four to 13 years. The men had been arrested in March 1999 and the ten ultimately convicted had languished in prison since that time awaiting trial, which finally began last April. While the death penalty—a distinct possibility in Iran for "espionage"—was thankfully averted, the conservative Judiciary in Iran still felt it was necessary to take 89 years in total away from the lives of these innocent men.

And let there be no doubt that "the ten"—as well as the two Muslim accomplices—are innocent. The trial was a joke of the first order. The judge served not merely as a neutral arbiter of the law, but also as the prosecution. There was no jury; the judge/prosecutor, known affectionately by fellow conservatives as "the Butcher," also made the determination of guilt. The proceedings were held in private—no one except the Butcher, the defendants, and their lawyers know what happened in that courtroom. For varying reasons, none of them are talking. Every few days or so during the heat of the trial two more defendants would be paraded before waiting television cameras to "confess," but their confessions were virtually devoid of detail. Stalin at least would have gotten his defendants to confess to some details to back up the official state story.

Last March our government decided to relax its embargo on Iranian fruits, nuts, caviar and rugs. The rationale for this move was that there are "moderate" forces in Iran aligned with President Khatemi who need to be bolstered in their fight against the conservative mullahs.

History and recent experience with Iran strongly argue against this policy. The US needs to take the lead in using our political and economic clout to help win the release of these men. Only then can we rally other governments to make continued favorable business and investment arrangements contingent on this basic human rights issue. Only when Iran sees the impact to its bottom line will it understand the need to release these shopkeepers, clerks and religious men to go home to their families.

We should not accept Iranian goods until the Iranians respect human rights. I urge my colleagues to support the amendment and to support human rights in Iran.

The CHAIRMAN. Does any Member rise in opposition to the amendment?

The question is on the amendment offered by the gentleman from Florida (Mr. DEUTSCH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DAVIS OF VIRGINIA

Mr. DAVIS of Virginia. 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. DAVIS of Virginia:

At the end of the general provisions title, add the following new section:

SEC. ____. None of the funds appropriated in this Act may be used to carry out the amendments to the Federal Acquisition Regulation contained in the proposed rule published by the Federal Acquisition Regulatory Council (65 Fed. Reg. 40829) (2000), relating to responsibility considerations of Federal contractors and the allowability of certain contractor costs.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Virginia (Mr. DAVIS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by thanking my good friend and colleague, the gentleman from Virginia (Mr. MORAN), for offering this amendment with me today. This is the Davis-Moran amendment.

Last summer, the administration first proposed regulations that would significantly change our procurement process, jeopardizing the bipartisan procurement reforms of the past few years.

At that time, myself and really hundreds of Members of the private sector had concerns that we expressed at that point. We felt that the administration had drafted overly broad regulations that would violate due process rights of supportive contractors and substantially affect the Federal Government's ability to acquire goods and services at the best value.

We have tried through the years of this administration to work in a bipartisan manner on procurement reform. We have had several successes: The Federal Acquisition Reform Act, the

Federal Acquisition Streamlining Act, where we have worked in a bipartisan way together.

Unfortunately, some of the regulations that are currently presented I think are really miscast and take us backwards in terms of procurement reform.

On June 30, 2000, the administration reissued the proposed regulations, portraying them as a clarification of the non-responsibility criteria a contracting officer may use to disqualify a contractor from competing for a Federal contract. Specifically, their stated intention is to clarify what constitutes a satisfactory record of business ethics and integrity.

But the proposed regulations constitute a substantial change to procurement law. They run counter to the existing procurement standards. For that reason, we feel at this point, pending a GAO audit which will show exactly the depth of the problems the administration is trying to correct, pending that audit coming back here, we believe we should put these on hold. For that reason, we are offering this amendment.

For the first time under the proposed regulations, the contracting officers would be required to consider certain nonprocurement laws when reviewing bids without a minimum standard. This would signify when a contractor has met the existing requirement of a satisfactory record of integrity and business ethics.

In trying to clarify this, they are taking a number of nonjudicial decisions, decisions in some cases that have unilaterally come forward from the Federal government in terms of charges which the contractors had no opportunity to rebut. They have taken this, and could be debarred from that and a series of contracts with simply allegations.

Mr. Chairman, I would say that in many of these cases where we get allegations and charges coming from the government, many of these cases, over half of them, are dismissed later, not prosecuted because they are not well-founded. But under this procedure, contracting officers would have to pay attention to this.

This with respect to Federal contractors I think would seriously harm our ability to get the best value for goods and services. This amendment would stop these regulations from moving forward until we have an opportunity to review the GAO audit.

Mr. Chairman, let me begin by thanking my good friend and colleague from Virginia, Congressman MORAN for offering this amendment with me today.

Last summer, the Administration first proposed regulations that would significantly change our procurement process, jeopardizing the bipartisan procurement reforms of the past few years. At that time, I had grave concerns that the Administration had drafted overly-broad regulations that would violate the due process rights of prospective contractors and substantially affect the Federal Government's ability to acquire goods and services at the best value. Last year, I worked through the comment process and met on a number of occasions with the Administration to express my concerns. I was hopeful that the Administration would carefully consider the numerous comments it received on this proposal from Members of Congress, including the bipartisan comments expressed by the Small Business Committee at its hearing in September 1999, and the over 1500 comment letters it received. Unfortunately, the Administration did not.

On June 30, 2000, the Administration reissued the proposed regulations, portraying them as a clarification of the nonresponsibility criteria a contracting officer may use to disqualify a contractor from competing for a Federal contract. Specifically, their stated intention is to clarify what constitutes a satisfactory record of business ethics and integrity.

However, the proposed regulations constitute a substantial change to Federal procurement law and run counter to existing procurement standards. While there is no question that the Federal Government has a responsibility to ensure that it does not do business with bad actors, the Administration has not been able to offer any evidence that there is a problem with Federal contracts being awarded to unscrupulous contractors, specifically because they have no mechanism for tracking that type of information.

For these reasons, I am offering—with Mr. MORAN—this amendment which will not allow any funds available under the Treasury, Postal appropriations bill to be used to implement the regulations until the results of a GAO audit are available. The GAO audit was requested in June and will track the extent to which the Federal Government is contracting with those that are violating the standards put forth in the proposed regulations.

I believe there are a number of flaws with these regulations that run counter to the bipartisan procurement reform efforts that we have enacted since 1993. Although they are intended to clarify existing standards, they actually inject an extraordinary amount of uncertainty into the procurement process. As a result, they most certainly would constitute an arbitrary and capricious rulemaking.

For the first time, contracting officers will be required to consider non-procurement laws when reviewing bids without a common standard that would signify when a contractor has met the existing requirement that it have a satisfactory record of integrity and business ethics. This will create a high level of subjectivity in the review process. This means contractors will not know when violations, or alleged violations of the law, reach a degree of seriousness that will result in contract suspension or how that standard will apply from contract to contract and agency to agency. This regulation will only serve to further complicate the well-intentioned efforts of contracting officers to comply with existing Federal Acquisition Regulations. Moreover, contracting officers and their departmental counsels will now be expected to understand a significant body of law that is now under the jurisdiction of many different federal agencies.

I would also ask, if this regulation is supposed to clarify an existing standard shouldn't it be consistent with past applications of the standard? The proposed regulation must be considered substantial rulemaking because it is putting in place an entirely new standard of law without any direction from Congress on this issue. In fact, what makes up a record of good business ethics and integrity is currently contained in the FAR. There is a list of seven items that are automatically used by a contracting officer in making the responsibility determination currently required for every contract award. As well, suspension of a contract is already available to the Federal government if there are criminal violations or serious civil violations related to the honesty of statements made to the government.

This regulation also runs counter to the long-standing procurement case law and practices currently utilized by contracting officers. When a contracting officer makes a nonresponsibility determination, he or she will do so on the basis that there is a nexus between the contractor's past violation of the law and the contract on which they are bidding. This is clearly the case in the often-cited and misinterpreted bid challenge asserted by Standard Tank Cleaning Corporation on a United States Navy contract. The Navy contracting officer eliminated the bidder from consideration because the contractor had a number of state environmental citations that indicated an inability to effectively perform a contract for hazardous waste removal and disposal. It was found that the company lacked the integrity to perform the contract. None of us would disagree with this standard: an environmental polluter ought not work for the government to clean up the environment.

The regulation also has no due process provisions, contrary to Administration statements on this issue. A contractor may be suspended from receiving a contract based on ''credible information'' or ''complaints, violations, or findings by Administrative Law Judges, or any federal agency, board, or commission.'' Neither of those standards mean that company has gone through a hearing process or had the decision adjudicated. They would largely be denied the opportunity to explain the circumstances related to a nonresponsibility determination.

Moreover, the ''credible information'' standard is nothing short of a mystery to me. I have yet to find an explanation of credible information that a contracting officer may use to guide them in making a nonresponsibility determination. Again, this clearly constitutes arbitrary and capricious rulemaking. Last year, the Administration included the terminology ''alleged violation'' in the original proposed regulations. After assuring me on a number of occasions that they understood the regulations were too vague on this point and violated due process, the Administration just switched words around and came up with ''credible information.'' Who may offer a contracting officer credible information during the bid process: a competing contractor, a disgruntled employee, or an organization pursuing an independent agenda? This standard invites third party mischief into the procurement process. How does a responsible contractor defend himself against this type of misinformation campaign?

Especially important to note is the impact these changes will have on the technology sector, small businesses—many of whom are technology companies—and university research programs. These parties, in particular, will be unable to survive a subjective scrutiny that will result in a delayed federal procurement process, increased litigation, and the proliferation of bid protests. The length of the process alone will jeopardize the viability of many small businesses and our nation's research priorities. In turn, the Federal Government will undermine the benefits it realizes through technological innovation and university-sponsored federal research.

At this point, Mr. Chairman, I ask for unanimous consent that the Information Technology Industry Council letter in support of the Davis-Moran amendment and key vote notice, a letter from my distinguished colleague, Congressman TALENT, Chairman of the Small Business Committee, that lists the affect this regulation could have on small businesses, and a letter of support for the amendment from the American Council on Education that is signed by ten higher education organizations, all be inserted into the RECORD.

Mr. Chairman, this amendment is a reasonable response to flawed attempts to legislate through regulation. I urge all of my colleagues to support our bipartisan amendment.

Mr. Chairman, I include for the RECORD the following letters in support of the amendment:

NFIB,
THE VOICE OF SMALL BUSINESS,
July 19, 2000.

Hon. TOM DAVIS,
224 Cannon House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE DAVIS: On behalf of the 600,000 members of the National Federation of Independent Business, I am writing to support your amendment to the 2000 Treasury and Postal Appropriations bill to prohibit the Clinton Administration from enforcing its federal procurement ''backlisting'' regulation until the General Accounting Office has completed an audit of government contracting practices.

This regulation would effectively blacklist companies from eligibility to receive government contracts if they do not follow arbitrary standards, defined as ''satisfactory compliance with federal laws including tax laws, labor, and employment laws, environmental laws, antitrust laws, and consumer protection laws.'' Satisfactory compliance will be determined subjectively, unfairly politicizing the contracting process.

Ninety-three percent of NFIB members believe that the federal government should not require small businesses to follow such biased rules to receive federally funded projects. Requiring small businesses to abide by subjective and arbitrary terms in order to receive federal contracts discourages competition and is counter to the principles of free enterprise. Further, the proposed regulation would discriminate against small businesses that may not be able to meet the subjective thresholds established under the regulations. For instance, large businesses and others may use small businesses' minor paperwork violations to prevent them from qualifying for federal contracts.

We will strongly urge Members to protect their small business constituents from unfair blacklisting regulations by voting for your amendment when it comes to the floor during consideration of the Treasury, Postal Appropriations bill.

Sincerely,

DAN DANNER,
Senior Vice President, Federal Public Policy.

SMALL BUSINESS
TECHNOLOGY COALITION,
July 18, 2000.

Hon. TOM DAVIS,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE DAVIS: I am writing you to thank you for your leadership in introducing the Davis-Moran Amendment to the Treasury and Postal Appropriations Bill and to communicate the support of the Small Business Technology Coalition for passage of this amendment. This amendment will postpone implementation of regulation being proposed by the administration, which would otherwise impose significant burdens on the Small Business community our coalition represents. The Davis-Moran amendment simply restricts funds from being spent on implementation of the administration's proposed guidelines on contractor responsibility until the GAO can determine that a problem exists. Until now, no credible evidence has been presented which establishes that a problem exists and it is my position that the proposed regulations will harm Small Businesses doing business with the government.

Respectfully,

RICHARD W. CARROLL,
Chairman.

JULY 18, 2000.

Hon. TOM DAVIS,
U.S. House of Representatives, Washington, DC.

DEAR CONGRESSMAN: I want to thank you for offering an amendment to the Treasury-Postal Appropriations bill, which would postpone a burdensome and ill-conceived regulation. National Small Business United (NSBU) strongly supports your amendment and urges all members of the House to vote for it.

These regulations on so-called contractor responsibility would unfairly ''blacklist'' many small businesses from competing for federal contracts, based on whether the business had ever paid any federal fines or penalties. As you know, many small businesses face unfair and unjustified penalties from government agencies, and frequently pay the fine rather than spend the enormous amounts of time and resources necessary to fight the penalty. Moreover, there has not yet been any substantial evidence presented that demonstrates that a serious problem exists on contractor responsibility. Your amendment would postpone these regulations until GAO can determine whether a problem actually exists.

Again, I want to thank you for offering this important amendment in support of small business contractors. NSBU urges its speedy adoption.

Yours truly,

TODD MCCRACKEN,
President.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SMALL BUSINESS,
Washington, DC, July 19, 2000.

Hon. THOMAS M. DAVIS,
Chairman, Subcommittee on the District of Columbia, Committee On Government Reform, Washington, DC.

DEAR CHAIRMAN DAVIS: On October 21, 1999, the Committee On Small Business held a hearing on the proposed changes to the contractor responsibility rules of the Federal Acquisition Regulations. At that hearing, the potential adverse impact of those proposed changes on small business were highlighted. Subsequent to that hearing, the ranking member, Ms. Velázquez, and I filed joint comments with the FAR Council again raising a number of potential barriers that the proposed rule could create in the ability of small businesses to obtain federal government contracts. We noted that the standards being utilized were vague, imbued contracting officers with excessive amounts of discretion, failed to provide contracting officers with adequate guidance on determining whether a prospective awardee has an adequate record of business ethics and integrity, ignored the implementation problems of the proposal on subcontractors, and requested that the FAR Council perform an adequate regulatory flexibility analysis.

I have examined the new proposed rule issued on June 29, 2000. That proposal fails to address most, if not all, of the concerns raised at the hearing and in the formal comments filed with the FAR Council. The new proposal still imposes new vague standards for contracting officers, does not provide contracting officers with guidance in making responsibility determinations, ignores the subcontracting issue in its entirety, and fails to perform an adequate regulatory flexibility analysis. In fact, the FAR Council continues to maintain, despite the evidence at the hearing, that the proposal will not have a significant economic impact on a substantial number of small entities. That simply is not the case and the FAR Council appears headed to finalize a rule that could substantially raise the bar over which small businesses will have to hurdle in order to get federal government contracts.

While I certainly do not want federal agencies contracting with businesses that have committed serious civil or criminal breaches of federal law, the new proposal still fails to address whether this is a serious problem or an isolated occurrence. It is my understanding that the General Accounting Office will be performing a study to determine whether a problem exists concerning the award of federal government contracts to businesses that have committed serious civil or criminal breaches of the law. I concur in your efforts to delay the implementation of any final rule on contractor responsibility pending the completion of the General Accounting Office study.

Thank you for your leadership on this issue and please feel free to contact me.

Sincerely,

JAMES M. TALENT,
Chairman.

AMERICAN COUNCIL ON EDUCATION
OFFICE OF THE PRESIDENT
July 20, 2000.

DEAR REPRESENTATIVE: On behalf of the undersigned organizations, I urge you to support the Tom Davis (R–VA) and Jim Moran (D–VA) amendment to H.R. 4871, the Treasury, Postal Service, and General Government Appropriations Bill, that is expected to be on the House floor this week. The Davis/Moran amendment would impose a moratorium on the implementation of the proposed amendments to the Federal Acquisition Regulations (FAR) as proposed by the Federal Acquisition Regulatory Council pending an outcome of a study by the Government Accounting Office (GAO). The Davis/Moran amendment presents a fair, balanced approach to this issue and provides Congress the opportunity to examine the extent to which the government is contracting with

organizations that have unsatisfactory records of compliance with federal law, as well as evidence of contractor violations and their impact on contract performance.

The proposed amendments to the Federal Acquisitions Regulations (FAR) would bar employers, including colleges and universities, from eligibility for federal contracts based on preliminary determinations, unproven complaints, and actual transgressions of federal employment, labor and tax laws. Although portrayed as clarification of existing law, we believe the proposed regulations would, in effect, give new powers to federal contracting officers not granted by Congress.

American colleges and universities, which receive over $18 billion annually in federal grants and contracts, would be directly affected by these proposed regulations. The FAR revisions could have the result of creating a ''blacklist'' of contractors who would be penalized as ineligible to receive government contracts—and potentially debarred—for ''unsatisfactory'' labor and employment practices. Colleges and universities are progressive employers, offering generous benefits and innovative policies such as work-family initiatives and domestic partners benefits. They are also large, complex organizations that are subject to extensive federal regulations. Despite our best efforts, conflicts and disagreements do arise, some of which result in allegations that an institution has violated labor, environment, or other laws.

We believe the federal government should seek to investigate and resolve such allegations in the most constructive manner possible under the current law process within the respective agencies. Unfortunately, the proposed Federal Acquisition Regulations would move in the opposite direction, encouraging adversarial relationships. Under the proposal, violations, preliminary determinations, and unproven complaints of laws—such as the National Labor Relations Act, the Occupational Safety and Health Act, the Fair Labor Standards Act, and employment discrimination statutes such as Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Equal Pay Act, and the Age Discrimination in Employment Act—could trigger a status akin to ''blacklisting.'' The proposed regulations also would penalize contractors for violations of environmental, antitrust, tax, and consumer protection laws. Adverse determinations could lead to exclusion from preferred vendor lists and from eligibility for contracts and subcontracts.

The proposal would engender mistrust between colleges and universities and the various regulatory and contracting agencies. Moreover, it would invite and encourage persons or organizations who disagree with an institution about employment practices, land use, or various other matters to file formal complaints and thereby invoke the possibility of grave penalties contemplated in the proposed regulations as leverage. That would be an unfortunate distortion and certainly is not the intention of federal laws and other standards.

Under the proposals, federal agents would be empowered to decide what is or is not a ''satisfactory'' record of employee relations from colleges and universities of every size throughout the country. Federal contracting officers do not, by the very nature of their work, possess the expertise or experience in the enforcement of labor and employment laws and regulations, to say nothing of environmental, tax, and antitrust laws and workplace practices. The proposed changes would give them authority to make arbitrary determinations to the detriment of the entire procurement process and the fair enforcement of employment and other laws.

The strong and cooperative relationship between the federal government and the country's colleges and universities has reaped countless gains for each party and for the nation as a whole through the contracting process. In the interest of furthering that long-standing relationship, we urge your support of the Davis/Moran amendment to H.R. 4871.

Sincerely,

STANLEY A. IKENBERRY,
President.

On behalf of:

American Association of State Colleges and Universities, American Council on Education, Association of American Universities, College and University Professional Association for Human Resources, Council for Christian Colleges and Universities, Council of Independent Colleges, Mennonite Board of Education, National Association of College and University Business Officers, National Association of Colleges and Universities, National Association of Independent Colleges and Universities, and the National Association of State Universities and Land-Grant Colleges.

INFORMATION TECHNOLOGY INDUSTRY COUNCIL,
Washington, DC, July 19, 2000.

Hon. THOMAS M. DAVIS III,
Hon. JAMES P. MORAN,
House of Representatives, Washington, DC.

DEAR GENTLEMEN: The Information Technology Industry Council, ITI, wishes to express strong support for the bipartisan Davis/Moran amendment to H.R. 4871, the FY2001 Treasury/Postal Service appropriations bill. We urge Congress to support your amendment.

The Davis/Moran amendment would postpone promulgation of a new regulation on ''contractor responsibility'' determinations, pending the completion of a comprehensive study by the General Accounting Office on whether such a major regulation is needed. We believe such a postponement is necessary to avoid undermining IT modernization efforts by federal agencies. For this reason, we anticipate including your amendment as a key vote in our Year 2000 High Tech Voting Guide.

As you know, the High Tech Voting Guide is used by ITI and the media to measure Members of Congress' support for the IT industry and policies that ensure the success of the digital economy. ITI is the leading association of U.S. providers of information technology products and services. ITI members had world-wide revenue of more than $633 billion in 1999 and employ an estimated 1.3 million people in the United States.

ITI was a strong advocate of the landmark procurement reform legislation enacted by Congress and this Administration during the last decade. The reforms greatly enhanced the government's ability to acquire state-of-the-art information technology by eliminating many of the government-unique rules and procedures that made it too risky and expensive to compete in the federal marketplace. Unfortunately, the new regulation would roll back many of those hard-fought reforms by imposing on contractors certification requirements and recordkeeping burdens that have no corollary in the commercial sector. Ultimately, the regulation could hinder the government's ability to acquire IT products and services.

Clearly, the U.S. government should only do business with responsible, law-abiding contractors. We are unaware of any compelling evidence, however, that indicates the need for a major expansion of current laws and regulations, and in particular, one that leaves so many subjective judgments in the hands of those responsible for their interpretation. For these and other reasons, we urge Congress to order a statutory ''time-out'' in order to allow GAO to conduct a thorough, independent review of the regulation and its potential impact. Your amendment will accomplish that.

Thank you for your efforts. We commend you for your leadership on issues of critical importance to the IT industry.

Sincerely,

RHETT B. DAWSON,
President.

TECHNOLOGY COALITION FOR RESPONSIBLE PROCUREMENT,
July 18, 2000.

Hon. THOMAS M. DAVIS III,
Hon. JAMES P. MORAN,
House of Representatives, Washington, DC.

DEAR GENTLEMEN: We are writing on behalf of the thousands of responsible information technology (IT) companies that we represent, to express strong support for your amendment to the FY 2001 Treasury and General Government Appropriation Act. As we understand it, the amendment would delay promulgation of the June 30, 2000 proposed rule (65 FR 40830) on ''contractor responsibility'' to allow the U.S. General Accounting Office (GAO) to conduct a comprehensive study of the issues involved. We strongly support this effort.

As an industry, we firmly support the policy that the federal government only does business with contractors that act responsibly and comply with federal statutes. We believe, however, that existing law and regulations already provide the government with sufficient authority and latitude to determine contractor responsibility. This is borne out by the relative lack of a body of evidence to the contrary.

The Federal Acquisition Regulation Council has described the proposed regulation as a clarification of current law. We do not share that view. If implemented, the new regulation would roll back many of the landmark procurement reforms enacted during the 1990s and create undue risk for IT companies that contract with the Federal Government. For example, the Clinger-Cohen Act (PL 104–106) called for the elimination of government-unique certification requirements that had no corollary in commercial practice. The proposed regulation ignores this mandate by creating a new certification requirement that could force companies to create and maintain expensive databases in order to avoid violations. Compounding the risk, the highly proprietary information that would be contained in such databases could be subject to unlimited discovery by the very parties who raised the initial allegations.

To the extent that there are shortcomings in applying or enforcing current rules, rather than creating new regulatory burdens, the Administration should work with Congress to resolve any problems through cooperative efforts or, if necessary, legislation. Another alternative would be to bolster training to ensure that contracting personnel have the necessary tools and skills to do their jobs.

The Federal contracting process already presents significant challenges for commercial IT companies. The additional burdens

and risks outlined above may well convince contractors to forgo competing for government business, thereby depriving agencies of the technology that is essential to fulfilling their missions in an efficient and cost-effective manner. Are we willing to take that chance? The comprehensive GAO study currently being researched will provide policymakers with critical information that will enable them to make informed, reasoned decisions on this matter. We urge Congress to provide that opportunity by supporting your amendment.

Sincerely,

Association for Competitive Technology, Computing Technology Industry Association, Electronic Industries Alliance, Information Technology Association of America, Information Technology Industry Association, Professional Services Council.

AMERICAN ELECTRONICS ASSOCIATION,
July 18, 2000.

Hon. TOM DAVIS,
226 House Office Building,
Washington, DC.

DEAR REPRESENTATIVE DAVIS: The American Electronics Association (AEA), the nation's largest high-tech trade association representing more than 3,500 of America's leading high-tech companies, is writing in support of your amendment to the Treasury/Postal Appropriations bill to prevent the blacklisting regulations from moving forward.

On June 30, the Civilian Agency Acquisition Council and the Defense Acquisition Council published a rule in the Federal Register to ''clarify'' federal contracting rules on what constitutes a ''satisfactory record of integrity and business ethics.'' Under the so-called ''blacklisting'' proposal, a company could be barred from contract award without the due process currently provided under federal contracting rules if a Federal contract officer were to arbitrarily determine the contractor is irresponsible, AEA's 3,500 member companies are extremely concerned about this proposed regulation.

These proposed regulations will complicate the Federal procurement process and threaten to limit government access to the high-tech products and services produced by more than 5 million skilled U.S. workers. Current law already protects the Federal Government from bad actors, so additional regulations are not necessary. Further, these draft regulations will subject the current procurement process to inappropriate third-party influence without due process for contractor exclusion, suspension, and debarment. Moreover, the blacklisting regulation would result in more litigation, as contractors protest both awards and denial of contracts because of the blacklisting regulation.

The proposed blacklisting regulation is a solution in search of a problem. The Federal Government has not brought forth credible evidence that a large number of federal contracts are being awarded to bad actors. The Davis/Moran Amendment simply postpones implementation of the blacklisting regulation until the independent Government Accounting Office (GAO) can determine whether federal contracts are being awarded to companies that routinely violate federal law. Once this study is completed—in about a year—a determination can be made to the need for the blacklisting regulation.

AEA and its members believe the approach taken by your amendment is a reasoned and rational way of addressing the issue of business ethics and contractor responsibility in awarding federal contracts. AEA appreciates your efforts and looks forward to working with you on this important issue.

Sincerely,

WILLIAM T. ARCHEY,
President and C.E.O.

ELECTRONIC INDUSTRIES ALLIANCE,
Arlington, VA, July 18, 2000.

TO MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: When the House considers the Treasury, Postal Service and General Government Appropriations for Fiscal Year 2001, we understand that Representatives Tom Davis, Jim Moran and other Members are expected to offer an amendment that would prohibit implementation of proposed blacklisting regulations pending completion of a GAO study. On behalf of our more than 2,100 member companies, we urge you to support the Davis-Moran amendment. This vote is very important to our members.

Under the proposal, contracting officers would be allowed to deny federal contracts to companies on the basis of ''relevant credible information'' regarding alleged violations of federal law (labor and employment, environment, tax, antitrust or consumer protection). This would represent a significant and, we believe, an unwarranted change in the Federal Acquisition Regulations (FAR) which currently provide sufficient criteria for determining whether a potential contractor is responsible. Further, the proposal's introduction of a new, overly broad standard for eligibility—''satisfactory compliance'' with such an extensive array of laws during the preceding three years—would provide contracting officers with almost unlimited discretion to make subjective judgments on matters unrelated to procurement and moreover, their area of expertise. Additionally, the proposal would by regulatory fiat vastly expand the penalties authorized by Congress under the aforementioned laws, e.g., environmental, tax and consumer protection. Thus, it is an attempt to circumvent the legislative process. Finally, none of this has any relevance to a potential contractor's ability to provide the required goods and/or services to the federal government.

For all these reasons, we are opposed to the proposed blacklisting regulations and believe that they are unwarranted and inconsistent with sound procurement policy. Accordingly, we respectfully urge your support of the Davis-Moran amendment to the Treasury, Postal Service and General Government Appropriations for FY '01. We find merit in awaiting the GAO's findings prior to implementation of any changes to the FAR; particularly those as overly broad as contemplated by the proposed blacklisting regulations.

Thank you for your consideration.

Sincerely,

DAVE MCCURDY,
President, Electronic Industries Alliance.

JOHN KELLY,
Executive Vice President, JEDEC: Solid State Technology Association.

DAN C. HEINEMEIER,
President, Government Electronics and Information Technology Association.

ROBERT WILLIS,
President, Electronic Components, Assemblies and Materials Association.

COMPTIA,
July 18, 2000.

Hon. THOMAS M. DAVIS III,
House of Representatives,
Washington, DC.

Hon. JAMES P. MORAN,
House of Representatives,
Washington, DC.

DEAR MR. DAVIS AND MR. MORAN: We are writing on behalf of the 8,000 member companies of the Computing Technology Industry Association (CompTIA) to endorse your amendment to the FY 2001 Treasury, Postal Service and General Government Appropriation Act. The amendment will delay promulgation of the June 30, 2000 proposed rule (65 FR 40830) on ''contractor responsibility'' to allow the U.S. General Accounting Office (GAO) to study of the issues involved. We strongly support such a delay.

CompTIA supports the Federal government's existing policy of doing business only with contractors that act responsibly and comply with federal statutes in the areas of employment, environmental, antitrust, tax, and consumer protection. We believe that existing law and regulations already provide the government with sufficient authority and latitude to determine contractor responsibility. For this reason new regulations are unnecessary.

The proposed regulation ignores the Clinger-Cohen Act (PL 104–106) mandate requiring the elimination of government-unique certification requirements that had no corollary in commercial practice by creating a new certification requirement that could force companies to create and maintain expensive databases in order to avoid violations. Most of our 8,000 member companies are small business, many of them very small. We estimate that 20% of them do business with the Federal Government. We believe that compliance costs would be substantial for smaller firms.

In addition a number of federal senior procurement policy and contracting executives have expressed concerns off the record that contracting personnel do not have the necessary tools and skills to carry out the requirements of the proposed regulation.

Finally, another potential unintended outcome of the proposed regulation is that some companies may seek to use the proposed regulation as a new bid protest mechanism, seeking to disqualify successful competitors who may have faced real or imagined charges. This could slow down the procurement of time-critical IT products and services.

A comprehensive GAO study will provide policymakers with critical information that will enable them to make informed, reasoned decisions on this matter. We urge Congress to provide that opportunity by supporting your amendment.

Sincerely,

BRUCE N. HAHN,
CAE.

AEROSPACE INDUSTRIES ASSOCIATION OF AMERICA,
Washington, DC, July 19, 2000.

Hon. THOMAS M. DAVIS III,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE DAVIS: On behalf of the member companies of the Aerospace Industries Association of America, I am writing to share our strong support for your amendment to the Fiscal 2001 Treasury-Postal Appropriations bill that would delay implementation of the proposed regulations on so-called contractor responsibility. There

are a number of issues with the proposed regulations that require a delay until the General Accounting Office completes its study.

The regulations published on June 30, while improved with respect to earlier versions, raise a number of serious concerns that justify further more detailed study. Among our concerns, the regulations maintain very ambiguous standards regarding ''relevant credible information'' that a contracting officer may use in making a determination concerning a contractor's responsibility based upon integrity and business ethics. Contracting officers are not trained in the intricacies of tax, environmental, labor, and antitrust laws about which they would be required to make decisions based on this ambiguous standard. Moreover, the proposed regulations would effectively deprive contractors of existing due process rights under the suspension and debarment process.

The need for the proposed regulations has not been established. Our member companies support the existing mechanisms for ensuring contractor responsibility and compliance with federal law. These mechanisms have proven sound and have struck a balance between effectiveness and the preservation of adequate due process for all parties. No analysis has been undertaken to demonstrate a need for imposing the additional burdens on the federal acquisition process that would follow from the implementation of the proposed regulations.

At a minimum, there needs to be a delay in implementation sufficient to allow further study and resolution of these important issues. Such a delay will ensure that regulations of this nature will not undermine our shared goals of integrity, efficiency, and fairness in federal procurement.

Sincerely,

JOHN W. DOUGLASS,
President.

PROFESSIONAL SERVICES COUNCIL,
Arlington, VA, July 18, 2000.

Hon. THOMAS D. DAVIS III,
House of Representatives, Washington, DC.
Hon. JAMES P. MORAN,
House of Representatives, Washington, DC.

DEAR GENTLEMEN: On behalf of the members of the Professional Services Council, I am writing to express our strong support of your amendment to the FY 2001 Treasury and General Government Appropriation Act which would delay the promulgation of the June 30, 2000 proposed rule on ''Contractor responsibility.'' In summary, the proposed rule (65 FR 40830) is profoundly antagonistic to the spirit of acquisition reform. It represents the worst form of ill-conceived, overreaching and arbitrary regulatory design. Your amendment represents an appropriate and reasoned response to the proposed rule by requiring the U.S. General Accounting Office (GAO) to conduct a comprehensive study of the issues involved before the federal government proceeds.

As you know, PSC is the principal national trade association representing the professional and technical services industry. Our sector's products are ideas, problem-solving techniques, and system that enhance organizational performance. Primarily, these services are applications of professional, expert, and specialized knowledge in areas such as defense, space, environment, energy, education, health, international development, and others used to assist virtually every department and agency of the federal government, state and local governments, commercial, and international customers. Our members use research and development, information technology, program design, analysis and evaluation, and social science tools in assisting their clients. This sector performs more than $400 billion in services nationally including more than $100 billion annually in support of the federal government.

The proposed rule has been discussed and opposed by all responsible industry parties based on its inherent inapplicability and because it runs counter to the recent reforms of the Federal Acquisition Reform Act and the Federal Acquisition Streamlining Act, which were aimed at simplifying and commercializing federal government contracting. Further, the proposal is in direct conflict with the Administration's own National Performance Review, aimed at restructuring the management of federal agencies to make them more businesslike and less burdened by command control-type regulations. The acquisition reform process ought to engender openness, partnering, and fairness. The proposed rule creates the opposite environment and would represent one more onerous regulatory manifestation further discrediting the federal government in the public's eye.

It is important to recognize that all of the issues the proposed rule purports to protect are covered already in their own domains, through extensive labor relations statutes, equal employment statutes, and others. The parallel system that this proposed rule would create would have no benefits and would inevitably create redundant and conflicting regulatory activity.

This proposal will have a serious negative impact on contractors currently providing goods and services to the federal government and will inject another disincentive for firms the government seeks to attract into the federal market. Indeed, there is a very strong and growing sentiment among many of our nation's most respected and capable private sector companies that doing business with the federal government may not be work the regulation and social engineering arbitrarily being imposed on them. With commercial opportunities increasing dramatically, companies are under pressure form their stakeholders and shareholders to pursue these instead of potentially higher-risk and over-regulated federal government work.

The comprehensive GAO study that you are requesting in your amendment will provide policymakers with critical information that will enable them to make informed, reasoned decisions on this matter. We urge Congress to provide that opportunity by supporting your amendment.

Sincerely,

CHARLES H. CANTUS,
Acting President.

CONTRACT SERVICES ASSOCIATION
OF AMERICA,
Washington, DC, July 19, 2000.

Hon. TOM DAVIS,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE DAVIS: On behalf of the members of the Contract Services Association of America (CSA), I would like to register my strong support for the amendment you will be offering with Representative Jim Moran to the Treasury-Postal Appropriations bill. Your amendment would place a much needed moratorium on implementation of the unwarranted ''blacklisting'' regulations until GAO has finished the report you've requested and Congress has had a chance to do some oversight.

Now in its 35th year, CSA represents over 350 government service contractors, and their hundreds of employees, that provide a wide array of services to the Federal government, as well as numerous state and local governments. Small businesses represent a large portion of our membership, and many of our members (of all sizes) are headquartered in Virginia. Attached is a list of our members, all of whom support your proposal.

As you well know, there are already stringent laws and regulations on the books that fully protect the Federal government's interest on labor, environment, tax and other matters, and effectively address the issues of irresponsible or unethical business practices. If implemented, these regulations would move us away from the significant acquisition streamlining measures supported by the Congress and the Administration that is intended to modernize the Government and move it toward using more commercial practices. And, it would discourage commercial companies, particularly high tech firms, from entering the Government marketplace.

I applaud your amendment. This is very necessary measure to restore fairness and balance to the Government contracting process.

Sincerely,

GARY ENGEBRETSON,
President.

CONTRACT SERVICES ASSOCIATION OF AMERICA MEMBER COMPANIES

AAI Engineering Support, Inc., A-Bear Janitorial Service, Inc., Ace Services, Akima Corporation, Akin, Gump, Strauss, Hauer & Feld, Alan A. Bradford, Inc., Alcaraz, Palanca & Pernites, Ltd., All Star Maintenance, Inc., All Risks, Ltd., All-Pro Electric, Inc., Allen Norton and Blue, Allstate Security and Investigative Services, Alltech, Inc.—A Parsons Brinckerhoff Co., Alutiiq Management Services, LLC, American Operations Corporation, American Service Contractors, L.P., AMERTAC, INC., Anderson Dragline, Inc., AON Risk Services, Inc., Applied Innovative Management, Arc Ventura County, Arctic Slope World Services, Inc., Aronson, Fetridge & Weigle, ASRC Communications, Atlantic Power Services, Inc., Baker Support Services, Inc., Bardes Services, Inc., Bay Span Construction, Inc., BDM Contracting Corporation, BDMS International, Beeman Plumbing & Mechanical, Inc., Belzon, Inc., Benefits Design, Inc., BeneTek Corporation, Blank, Rome, Comisky & McCauley, Blueprint Plumbing Corp., BMAR & Associates, Inc., BMT Services, Bob Holtz Services Inc., Bodenhamer, Inc., The Boon Group, BRB Contractors, Inc., Briarcliff Development Company, Brookwood Landscape, Inc., Brown & Root Services Corporation, BRPH Service Company, Burns and Roe Services Corporation, Business Plus Corporation, C & F Construction Co., Inc., C & T Associates, Inc., Career Smith, Carris, Jackowitz Associates, The Carroll Dickson Company, CC Distributors, Inc., CDS Inc., Centennial Contractors Enterprises, Inc., The Centers for Habitation, Chatham Technical Services, CH2M Hill, Inc. EES Business Group, Chesapeake Insurance Group, Inc., Chugach Alaska Corporation, Colossale Concrete, Inc., Complete Building Services, Con Rod Concrete Construction, Condor, Government Solutions Division, Congress Construction Company, Inc., Contracting Services, Inc., Craford Benefits Consultants, Crown Management Services, Inc., C.R. Snowden Co., The Cube Corporation, Cubie Worldwide Technical Services, Inc.,

C.W. Resources, Inc., Dale Rogers Training Center, Day & Zimmerman Services, Inc., DDD Company, De Leon Technical Services,

Inc., DEL–JEN, INC., Deltek Systems, Inc., Denali Ventures, Inc., DGS Contract Services, DiRienzo Mechanical Contractors, Diverse Technologies Corporation, DLS Engineering Associates, Inc., Dominick Dan Alonzo, Inc., Double D Pipeline, Inc., DTSV, Inc., DUCOM, Inc., Dyer, Ellis & Joseph, Dynamic Science, Inc., Eastern Maintenance & Services, Inc., Eastland Construction, El-Co Contractors, Inc., Electronic Transport Corp., Elite Painting & Wallcovering, Inc., Enron Federal Solutions, Inc., Erection and Welding Contractors, LLC, Eurest Support Services/Compass Group, Fairfax Opportunities Unlimited, FCC O&M, Inc., February Enterprises, Inc., First Capital Insulation Inc., FlexForce, FOUR WINDS Services, Inc., General Landscape and Maintenance Co., G.E. McKim Civil Constructors, General Trades & Services, Inc., Global Associates, Goodwill Industries, Inc., Gosney Construction Company, Government Contracting Resources, Inc., Government Contractors Insurance Services, Gray Waste Management Corp., Griffin Services, Inc., Group Benefit Design, Harris Technical Services Corporation, Hathaway General Engineering Contractor,

Hawpe Construction, Inc., H.E. Julien and Associates, Inc., High Lite Construction, Hirota Painting Company, Inc., Holmes & Narver Services, Inc., Horton Dry Wall Company, Howrey & Simon, Gov't. Contracts Group, HWA, Inc., IP Worldwide Services, INNOLOG, InsurMark Group, Inc., Inter-Con UPSP Services Corporation, IT Corporation, ITT Systems, JAD Business Services, Inc., J & J Maintenance, Inc., J.A. Jones Management Services, Inc., Jacobs Engineering Group Inc., Jantec, Inc., J.C. Company and Associates, The J. Diamond Group, Inc., J.D. Steel Company, Inc., Johnson Controls World Services Inc., Jones Technologies, Inc., Jordan Fireproofing, Kenyon Building Maintenance, Inc., Kervin Plumbing, KIRA, Inc., Knight Protective Service, Inc., Knox Electric, Inc., K.W. Electrical Construction, Inc., KWG Associates, Lad Glass Company, Lakeview Concrete & Masonry, Inc., Lear Siegler Services, Inc., Lockheed Martin Technology Services Grp., Louise W. Eggleston Center, Inc., Maccarone Plumbing, Inc., Madison Services, Inc., Makro Janitorial Services, Inc., M & P Underground, Inc., Manuel Bros., Inc., MAR, INCORPORATED, Mark G. Jackson Attny. & Couns.-at-Law, Mark Diversified, Inc.,

MAX of D.C., Inc., McLaughlin Brothers Contractors, The McDonald Glenn Company, McKenna & Cunco, L.L.P., McManus, Schor, Asmar & Darden, The Mercer Group, Inc., Mike Garcia Merchant Security, Inc., Miranda's Landscaping, Inc., Modern Asphalt, Inc., Montvale Corporation, Morrison-Knudsen Corporation O&M Grp., Mr. Electric Service Co., Inc., N & N, Inc., National Association of Special Police, National General Supply, Inc., Native Landscape, Noack and Dean/Interwest Insur. Brokers, The Occupa. Training Cntr/Burlington Co., Ott & Purdy, P.A., Pacific Southwest Roofing Group, Inc., Pacific West General, Pacific 17, PAE Government Services, Inc., P & P Properties, Inc., Paug-Vik, Inc. Ltd., Pavetec Industries, Inc., PCL Civil Constructors, Inc., Permis Construction Corporation, Pestmaster Services, Inc., Phelps Program Management/L.L.C., Phoenix Management, Inc., Piliero, Mazza & Pargament, Piper Marbury Rudnick & Wolfe L.L.P., Pitman Electric Service, Inc., Pompan, Murray & Werfel, Precision Wall Tech, Inc., Premier Security, Pride Industries, Pro Con Concrete, Inc., Program Unlimited Plumbing & Heating, Proposal Technologies & Services, Inc, Protemp Staffing Services, Public-Private Partnerships Corp., Quantum Services, Inc., Raven Services Corporation,

Raytheon Technical Services Company, Real Escape, Inc., Recchi America, Inc., Red River Service Corporation, Rio Construction, RTL Ventures, Inc., Rural/Metro Corporation, Satellite Services, Inc., Schultz Contracting, Science Applications Int'l. Corporation, Science and Technology Corporation, SciTech Services, Inc., Seaward Services, Inc., SecTek, Inc., Securiguard, Inc., Security Concepts, Inc., Serco, Inc., Serveor, Inc., Seyfarth, Shaw, Fairweather & Geraldson, Shor-Form, Inc., Sidtron, Inc., SKE International, Inc., Society Contracting, LLC, South Coast Electric, Space Mark, Inc., Spartago Masonery, Inc., Spiess Construction Co., Inc., Standard Construction Corp., Stephen J. Johnson Law Office, Steve Lynch Masonry, Inc., Stout Construction, Inc., Stow Construction, Inc., Sun Construction, Inc., Suncoast Pipeline, Inc., Superior Services, Inc., SYMVIONICS, INC., Szerlip & Company, Inc., TAC Services Incorporated, Taritas Power Services, Ins., Ted L. Vance & Sons, Tetra Tech Technical Services, Inc., 3J Mechanical, Inc., TMI Services, TNT Painting and Contracting, Inc., Trandes Repair, Manuf. and Technology.

NATIONAL DEFENSE INDUSTRIAL ASSOCIATION,
Arlington, VA, July 18, 2000.

Hon. THOMAS M. DAVIS,
House of Representatives, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE DAVIS: NDIA strongly supports the Davis-Moran Amendment to the Fiscal Year 2001 Treasury-Postal Appropriations Bill that would impose a moratorium on the implementation of the proposed contractor labor relation regulations that were issued June 30th.

NDIA, the largest defense-related association, has nearly 900 corporate firm members and 25,000 individual members. As such, we represent the full spectrum of the technology and industrial base, firms of all sizes from the smallest to the mega-sized businesses, and the preponderance of the two million men and women in the defense sector.

We support the moratorium for the following reasons:

The requested General Accounting Office Study of the implications and impacts of the proposed regulations is just underway and will not be completed before the anticipated implementation of the final rule.

Congress should have the opportunity to conduct comprehensive oversight hearings on the proposed regulations before they take effect. With the compacted congressional schedule, it is unlikely that adequate hearings could be held before the targeted adjournment date.

The proposed regulations effectively amend critical areas of law involving consumer protection, environmental protection, anti-trust matters and taxes. Further, these changes would be made through administrative actions rather than through legislative actions.

Under the proposed regulations, a subsequent regulation would be issued dealing with contractor debarment. This provision should not be treated separately from the pending proposed regulations.

Contracting officers have not been properly prepared or trained to assume primary responsibility for making responsible contractor determinations based on the new criteria contained in the proposed regulations.

Clearly, the federal government system should be designed to ensure that only ethical businesses receive contracts. Current law and regulation provide for such protections. In our view, the proposed regulations are fatally flawed because they effectively undermine the progress made to date encouraging commercial high technology firms to do business with the Federal Government, and represent serious threats to small business to secure its fair share of the Federal Market.

Therefore, NDIA believes that the Davis-Moran Amendment represents a prudent balanced and equitable approach to resolve this matter and to afford Congress adequate time to consider the policy and procedural issues associated with the proposed regulations. There is no compelling requirement to rush to judgment on this matter. We sincerely urge your colleagues to support your amendment.

Sincerely,

LAWRENCE F. SKIBBIE,
President.

NATIONAL ASSOCIATION OF MANUFACTURERS,
Washington, DC, July 18, 2000.

Hon. THOMAS DAVIS II,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CHAIRMAN DAVIS: On behalf of the National Association of Manufacturers' ''18 million people who make things in America,'' I am writing to express the NAM's support for your amendment to the Treasury, Postal Service and General Government Appropriations bill which would defer implementation of the Administration's proposed responsibility-determination regulations pending completion of a requested GAO audit. The NAM represents 14,000 member companies, including more than 10,000 small and mid-sized manufacturers and 350 member associations serving manufacturers and employees in every industrial sector in all 50 States. Many of our members, both large and small, contract with the government.

The Administration's proposed regulation, published June 30, 2000, purports to provide guidance to contracting officers regarding responsibility determinations. In fact, the proposed rule will undermine sound procurement practices and set back the hard-won procurement reforms accomplished during the past two decades. Contracting officers will be empowered to decide, on an ad hoc basis, whether a contractor is ''responsible'', using factors wholly unrelated to a contractor's ability to perform. Furthermore, it is unclear that a regulation effecting such drastic procurement changes is actually needed. This is precisely why we need to wait until the GAO audit has assessed the situation.

As this issue potentially has a significant impact on our members the vote for this very important amendment will be considered for designation as a Key Manufacturing Vote in the NAM Voting Record for the 106th Congress.

Sincerely,

MICHAEL ELIAS BARODY.

U.S. CHAMBER OF COMMERCE,
Washington, DC, July 18, 2000.

TO MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES: The House is expected to consider soon the Treasury, Postal Service, and General Government Appropriations Bill. On behalf of the U.S. Chamber of Commerce, I urge your support for an amendment sponsored by Representatives Davis (R–VA) and

Moran (D–VA) to prohibit implementation of proposed regulations which would effectively ''blacklist'' employers from receiving federal contracts until a study by the General Accounting Office is completed on the issue.

The proposed regulation would disqualify companies from eligibility to receive government contracts if they do not have ''satisfactory compliance with federal laws including tax laws, labor and employment laws, environmental laws, antitrust laws, and consumer protection laws.'' (See *65 Fed. Reg. 40833*). This issue is of great concern to the business community for many reasons, but particularly because the regulation's standard for eligibility—''satisfactory compliance''—covering an enormously complex matrix of laws—is so broad and vague as to be meaningless, effectively empowering individual government agents with virtually unlimited arbitrary discretion to deem which contractor will, or will not be, favored with a government contract. Even unproven, pending allegations can be considered.

Further, even the best-intentioned employer can get caught in the vast maze of confusing and often conflicting agency rules and regulations. Regulations relating just to employment laws cover over 4,000 pages of fine print, environmental regulations cover over 14,000 pages and the complexity of tax and anti-trust laws is legendary. Even the federal government, with its legions of agencies and specialists with expertise in every nuance of the law, is confused by what is or is not required by the laws.

Finally, it should be emphasized that the proposed regulation is an attempt to circumvent the legislative process by adding, through regulation, a major, new draconian penalty—disqualification from government contracts—to employment, tax, environment, antitrust and other laws of the land. Any changes to these laws should receive full consideration by the Congress, rather than be adopted through the back door of the administrative agencies.

Because of the importance of this issue to American businesses, the U.S. Chamber will consider using votes on the Davis/Moran amendment in our annual ''How They Voted'' 2000 ratings.

Sincerely,

R. BRUCE JOSTEN.

ASSOCIATED BUILDERS AND CONTRACTORS,
Rosslyn, VA, July 18, 2000.

The Honorable ,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: You will soon be voting on the Fiscal Year 2001 appropriations legislation for the Treasury Department, the U.S. Postal Service and related agencies. On behalf of Associated Builders and Contractors (ABC), and its more than 22,000 contractors, subcontractors, suppliers, and related firms from across the country, I urge you to support a bipartisan amendment to be offered by Representatives Tom Davis (R–VA) and Jim Moran (D–VA) which would prohibit implementation of proposed regulations which would effectively ''blacklist'' employers from receiving federal contracts until a study of the General Accounting Office is completed on the issue.

ABC strongly opposes the Administration's amended regulations because they will create a ''blacklist'' of contractors who are alleged to have ''unsatisfactory'' compliance with federal laws. For example, an allegation against a contractor for lack of compliance with tax, anti-trust, labor, employment, environmental, or consumer protection law may cause a prospective contractor to be denied a federal contract.

We are particularly concerned about the impact of the proposed regulations on small construction firms. As the nation's second largest employer, with 6 million workers, 94% of all construction companies are privately held and 1.3 million construction companies are not incorporated. Small firms would be particularly vulnerable to being ''blacklisted'' from federal contracts due to the vast maze of confusing and often conflicting agency rules and regulations. For example, regulations relating to employment laws cover over 4,000 pages of fine print, environment laws cover over 14,000 pages, and the complexity of tax and anti-trust laws are legendary.

Under the proposed regulations, government contracting officers would have the power to deny federal contracts to companies based on pending, unproven alleged violations of any of the above laws. A charge need only be filed before considered as part of an employer's record to be reviewed, including complaints pending with the NRLB, OSHA, IRS, and EPA. These types of charges—many of which are frivolous and without merit—are commonplace in the construction industry, and under the proposed regulations would all be considered, even before a final determination of guilt or innocence is made.

The federal government's role has always been to maintain a position of absolute neutrality in the awarding of federal contracts to protect against favoritism and abuses with tax dollars and this practice must continue. These regulations will insert an unacceptable level of subjectivity into the process.

ABC will use the Davis/Moran Amendment as a ''Key Vote'' for our ''How They Voted'' 2000 ratings.

Sincerely,

WILLIAM B. SPENCER,
Vice President, Government Affairs.

LPA,
July 19, 2000.

Representative TOM DAVIS,
Cannon House Office Building,
Washington, DC.
Representative JIM MORAN,
Rayburn House Office Building,
Washington, DC.

DEAR REPRESENTATIVES DAVIS AND MORAN: LPA is pleased to endorse your amendment to the Treasury-Postal Appropriations Bill for FY 2001, which will suspend the Administration's proposed blacklisting regulation.

As you know, LPA is a public policy advocacy organization representing senior human resource executives of more than 230 of the leading companies doing business in the United States. LPA member companies employ more than 12 million employees, or 12 percent of the private sector workforce.

The Administration's proposed rule would amend federal acquisition regulations (FAR) to make it easier for contracting officers to deny federal contracts to businesses by changing the criteria used to determine whether a potential contractor is deemed ''responsible.''

The proposed regulations would dramatically expand the scope of the threshold determination that contracting officers must make. First, the majority of the new criteria that contracting officers should consider are identical to those on which debarment procedures are based. However, there is virtually no due process or opportunity to respond to a contracting officer's not-responsible determination. Consequently, decisions that are now reached through an adversarial process, providing each side an opportunity to present evidence and cross-examine witnesses, will now be made unilaterally by contracting officers.

Secondly, under the new proposal, a not-responsible determination would be too easily triggered. Contracts could be denied based on ''credible information'' including mere allegations of wrongdoing. Likewise, the regulation requires contracting officers to give great weight to initial agency determinations such as charges or complaints by any federal agency or board, even though initial determinations are often overturned or the matter is later settled amicably.

In addition, contracting officers will be called on to make judgments about laws with which they have no experience. For example, a contracting officer at the Environmental Protection Agency may have to make a responsibility determination based on an unfair labor charge found by an administrative law judge at the National Labor Relations Board. Such a policy will obviously yield inconsistent results.

The proposal also adds new self-certification requirements, in direct conflict with acquisition reform enacted as part of the Defense Authorization Act in 1996. These provisions were designed to streamline the procurement process and eliminate unnecessary burdens that contractors faced in hopes of decreasing contract costs and making federal contracting more attractive to mainstream businesses. The Administration's proposal is clearly inconsistent with the law's prohibition against new self-certification provisions.

Finally, the Administration's proposal is not new. Less ambitious proposals have been introduced and defeated in Congress numerous times for over twenty years. The Administration should not now try to accomplish by regulation what the Congress has consistently defeated.

Thank you again for your leadership in offering this important amendment. Please do not hesitate to contact LPA if we can provide additional information on this matter.

Sincerely yours,

MICHAEL J. EASTMAN,
Director, Government Relations.

FOOD DISTRIBUTORS INTERNATIONAL,
Falls Church, VA, July 19, 2000.

DEAR REPRESENTATIVE: As the House considers the Treasury, Postal Service and General Government Appropriations bill this week. I urge you to support an amendment to prohibit implementation of proposed regulations to ''blacklist'' employers from receiving federal contracts until the completion of a study already underway by the General Accounting Office. The bipartisan amendment will be offered by Reps. Tom Davis (R–VA) and Jim Moran (D–VA).

Food Distributors International members supply and service independent grocers and foodservice operations throughout the United States, Canada and 19 other countries. The association, has 232 member companies that operate 819 distribution centers with a combined annual sales volume of $156 billion. Foodservice member firms annually sell nearly $45 billion in food and related products to restaurants, hospitals and other institutional foodservice operations including the military and other federal government facilities.

The proposed regulation would create a broad and irresponsibly vague standard of

''satisfactory compliance'' with federal laws ranging from labor and employment to tax and environmental laws. They would empower individual contracting officers to disqualify companies on an arbitrary basis, and even allows officers to consider pending and unproven allegations. Labor unions or other organizations could then use the regulations as a club by filing frivolous charges and threatening companies with the loss of their federal contracts.

The Federal Acquisition Regulations (FAR) already contain provisions requiring compliance, along with procedures to penalize companies for non-compliance. The new rules are a dramatic expansion of these provisions, and fail to provide adequate due process protections for employers who could be debarred for mere allegations of wrongdoing. Such a radical rewrite of the FAR has been repeatedly rejected by Congress and should not be done by executive fiat.

This is an issue of vital importance for food distributors. For that reason, Food Distributors International will include this vote in our congressional vote ratings.

I urge you to support the Davis/Moran amendment on blacklisting. These regulations are unnecessary and would simply result in additional costs for the federal government, which ultimately must be borne by the American taxpayer.

With best wishes,

KEVIN M. BURKE,
Vice President, Government Relations.

INTERNATIONAL PAPER,
Washington, DC, July 19, 2000.

Hon. ,
U.S. House of Representatives, Longworth House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE: I encourage your strong support for an amendment to be offered by Rep. Tom Davis and Jim Moran to prohibit implementation of the so-called blacklisting regulations being promulgated by the Office of Federal Procurement Policy. The amendment will likely to offered during debate on the Treasury-Postal Appropriations bill as early as Wednesday, July 19.

The defeat of these regulations has been a priority of International Paper since they were first proposed by Vice President Al Gore almost three and one-half years ago. IP's CEO, John Dillon, serves as Chairman of a task force at the Business Roundtable organized specifically to marshal opposition to this initiative.

While the arguments against the blacklisting rules are numerous, perhaps the principal reason to oppose them is because of the harm they will do to our nation's fair, open and competitive federal procurement process. If we allow political expediency to transform this system to one characterized by favoritism and third-party influence, we will have dealt a significant blow to years of effort to create a world class procurement system that is open to all responsible contracts.

The regulations are now on a fast track to implementation and could carry the force of law before the end of September. Please support the strong bipartisan effort to block implementation of these rules at least until the General Accounting Office has completed a review of their justification and impact. Your support will mean a great deal to our company.

Sincerely,

LYN M. WITHEY.

SOCIETY FOR HUMAN RESOURCE MANAGEMENT,
Alexandria, VA, July 19, 2000.

Support Davis-Moran Blacklisting Amendment

DEAR REPRESENTATIVE: On behalf of the 140,000 members of the Society for Human Resource Management, I am writing to urge your support for an amendment to be offered by Congressmen Tom Davis (R–VA) and Jim Moran (D–VA) which would prohibit implementation of proposed regulations which would effectively ''blacklist'' employers from receiving federal contracts until a study by the General Accounting Office is completed on the issue. The amendment will be considered as part of the Treasury, Postal Service, and General Government Appropriations bill. The House is expected to take up the spending bill as early as tomorrow.

If finalized, the proposed regulation would disqualify companies from eligibility to receive government contracts if they are not in ''satisfactory compliance with federal tax, labor and employment, environmental, antitrust, and consumer protection laws.'' (See 65 Fed. Reg. 40833). This issue is of great concern to the business community for many reasons, but particularly because the regulation's standard for eligibility—''satisfactory compliance'')—covering an enormously complex matrix of laws—is so broad and vague as to be meaningless, effectively empowering government agents with unlimited discretion to deem which contractor will, or will not be, favored with a government contract.

Even the best-intentioned employer can get caught in the vast maze of confusing and often conflicting agency rules and regulations. Even the federal government itself, maintaining multiple agencies and specialists who have expertise in every nuance of the law, is confused by what is or is not required by the extensive matrix of federal laws.

Finally, it should be emphasized that the proposed regulation is an attempt to circumvent the legislative process. Changes to laws such as this should receive the full benefit of the legislative process rather than a back door adoption by the administrative agencies. I again urge you to support the Davis-Moran Amendment during floor consideration of the Treasury, Postal Service, and General Government Appropriations bill.

Sincerely,

SUSAN R. MEISINGER,
SPHR, Executive Vice President/COO.

CONGRESS OF THE UNITED STATES,
Washington, DC, July 20, 2000.

DEAR COLLEAGUE: Please see the attached letters of support/key vote letters for the Davis-Moran Amendment to H.R. 4871, Treasury Postal Appropriations. This amendment is widely supported by small businesses, Universities and Colleges, and the technology industry. If you need more information on the Davis-Moran amendment, please feel free to contact Melissa Wojciak of Representative Tom Davis' office at X5–6751, or Melissa Koloszar of Representative Jim Moran's office at 5–4376.

National Federation of Independent Business.
Small Business Technology Council.
National Small Business United.
American Council for Education.
College University Professional Association for Human Resources.
American Association of State Colleges and Universities.
Association of American Universities.
Council for Christian Colleges and Universities.
Council of Independent Colleges.
Mennonite Board of Education.
National Association of College and University Business Officers.
National Association of Independent Colleges and Universities.
National Association of State Universities and Land-Grant Colleges.
Information Technology Industry Council.
American Electronics Association.
Electronics Industry Alliance.
Consumer Electronics Alliance.
Government Electronics and Information Technology Association.
Electronic Components, Assemblies, and Materials Association.
JEDEC: Solid State Technology Association.
CompTIA
Society for Human Resource Management.
Aerospace Industries Association.
Contract Services Association.
National Defense Industrial Association.
Professional Services Council.
Information Technology Association of America.
Telecommunications Industry Association.
U.S. Chamber of Commerce.
National Association of Manufacturers.
Association of General Contractors.
Associated Builders and Contractors.
Labor Policy Association.
Food Distributors International.
International Paper.

Sincerely,

TOM DAVIS,
Member of Congress.
JIM MORAN.
Member of Congress.

THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA,
July 18, 2000.

Hon. THOMAS M. (TOM) DAVIS III,
U.S. House of Representatives, Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN DAVIS: The Associated General Contractors of America urges you to support the Davis-Moran Amendment to the Treasury/Postal Appropriations bill. This amendment will ensure that federal contractors maintain their right to due process and will prevent the Administration from inserting a new, unnecessary level of subjectivity into the procurement selection process.

On June 30, the Administration proposed an amendment to the Federal Acquisition Regulation (FAR) that would increase the subjectivity of contract award decisions made by contracting officers. Any change of a violation of federal law could subject a contractor to the loss of a federal contract. A contracting officer would be forced to judge a federal contractor who had not yet had his or her day in court before a federal contract could be awarded. These contracting officers are trained to determine a contractor's ability to perform the work required by the government, not to make technical judgements about alleged violations of environmental, tax, labor, or consumer protection laws.

Federal contractors should be judged based on their ability to perform the work or provide services the government requires. There are other forums in which to judge a contractors guilt or innocence on alleged charges. If these problems impact the ability of the contractor to perform work or the contractor is truly a ''bad actor,'' then the government already has the ability to suspend or debar contractors. These two procedures allow a full investigation of the charges with both sides able to present their

case to a federal attorney with a full understanding of the legal issues. The Administration's proposal short-circuits the federal debarment process.

The Davis/Moran Amendment preserves the due process rights of federal contractors. This amendment would prevent the Administration from undermining the integrity of the federal procurement system. There is no evidence that the federal government is contracting with so-called ''bad actors.'' Until there is such evidence, this is a solution in search of a problem that could adversely impact the government's procurement process, economically harm innocent contractors and their employees, subcontractors and suppliers, and increase the administrative burden of federal contractors to an unmanageable level.

Sincerely,

LOREN E. SWEATT,
Director Congressional Relations
Procurement and Environment.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 5 minutes to my friend, the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I rise in very strong support of this amendment offered by my friend, the gentleman from Virginia (Mr. DAVIS).

As the gentleman has stated, this amendment would simply prohibit funds from being expended to implement the administration's contractor responsibility rules until the General Accounting Office completes an ongoing study of them. We are not trying to kill the rules, we are just saying the GAO ought to look into the basis for them and make a determination as to what is the problem, and then suggest some remedy for that problem, if a problem exists.

Let me emphasize at the outset that the gentleman from Virginia (Mr. DAVIS), the gentlemen from California, Mr. OSE and Mr. DOOLEY, myself, and a number of Members from both sides of the aisle have been involved with this issue for almost a year.

When the rule was first proposed, we met with administration officials to express deep concerns about the rule's justification and about its potential impact on the industries and the workers in our districts. We questioned whether contracting officers are really equipped to apply a wide array of complex Federal laws to routine procurement decisions.

We are asking these contracting officers to be familiar with all of the Federal laws, to make some determination as to whether there is satisfactory compliance with all the Federal laws before they carry out their responsibilities as to who is eligible for bidding on a contract and who ought to get that contract.

Many of us were concerned that the rule runs completely contrary to the procurement reforms that I believe are a major achievement of the Clinton-Gore administration.

Unfortunately, very little has changed in the year in which we have been working with the administration. Our questions have not been fully resolved. The contractor responsibility rule remains a solution in search of a problem. At no point has the administration furnished us with an adequate justification for why this new rule is necessary, despite the fact that it could adversely affect thousands of American workers employed by high-tech companies, by small and large businesses, defense contractors, and institutions of higher education.

The rule would vastly expand the power of Federal contracting officers under existing procurement law. They could cite a single adverse finding by an administrative law judge, a complaint from a Federal agency, or an order or decision from an agency as a reason to disqualify a contractor from doing business with the Federal government.

Unlike existing law, there would be no requirement for a nexus between the alleged violation of Federal law and the contractor's ability to perform the contract. We are trying to get contracts awarded to people who can perform the contract, and these things can potentially be totally unrelated to the ability to perform the contract.

I do not believe we should put Federal contracting officers in that position. They should not have to determine whether a company's compliance with a wide range of Federal laws, unrelated to the performance of a contract, is sufficient to allow the company to do business with the Federal government. There is no way that they can have that kind of information.

The only guidance the rule provides in allowing contracting officers to make a nonresponsibility determination is the vague and potentially arbitrary standard of ''credible information.'' What is ''credible information?'' It is entirely up to the contracting officer to determine what that means, ''credible information.'' It can mean a complaint, it can mean a rumor, whatever they determine to be credible information.

Let me emphasize that the importance of this issue extends far beyond the many industries that are potentially affected by the rule. Consider, for example, the comments of Stanley Ikenberry, the President of the American Council on Education.

I quote: ''American colleges and universities, which receive over $18 billion annually in Federal grants and contracts, would be directly affected by these proposed regulations.'' He said these ''revisions could have the result of creating a 'blacklist' of contractors . . .'', and this is his word, ''a blacklist of contractors.''

□ 1830

Mr. Ikenberry continues, ''The strong and cooperative relationship between the Federal Government and the country's colleges and universities has reaped countless gains for each party and for the Nation as a whole through the contracting process. In the interest of furthering that relationship, we urge your support of the Davis/Moran amendment to H.R. 4871.''

This is Dr. Ikenberry's letter. It was sent on behalf of the American Council on Education, the Association of American Universities, and a number of other groups that represent American Higher Education. American Higher Education is scared of this regulation. They strongly support this amendment. Mr. Chairman, it should be adopted.

Mr. Chairman, again, this amendment needs to be adopted. The blacklisting rule makes Federal procurement much more complicated, not less so.

It is contrary to the procurement reforms that this administration has achieved. It confers excessive new authority on Federal contract officers without a justification. It could potentially stifle innovation and job growth for thousands of American workers.

This amendment needs to be adopted, and I strongly urge that the Congress do so. Again, I appreciate the gentleman from Virginia (Mr. DAVIS) for introducing this amendment.

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Virginia (Mr. DAVIS) has 1½ minutes remaining.

Does any Member seek to claim the time in opposition?

Mr. HOYER. Mr. Chairman, I do.

The CHAIRMAN pro tempore. The gentleman from Maryland (Mr. HOYER) is recognized for 10 minutes.

Mr. HOYER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I rise in opposition to this amendment. The amendment is argued passionately for by the gentleman from Virginia. The Clinton administration's proposed contractor responsibility reforms simply clarifies and reinforces the long-standing rule that requires government to do business only with responsible contractors.

Now, Mr. Chairman, how often have we heard that a contractor was doing business for the Government, making a lot of money, and was a major polluter? How often have we heard that the contractor was a major violator of OSHA or other labor provisions? How often have we heard that and responded that, how do we do this?

Why do we do this? Should we not do business with people who comply with the rules, regulations, and laws of our country? Should not we advantage those contractors who seek to comply? The regulations that have been promulgated here I suggest to my colleagues are reasonable regulations, and we ought to allow them to go forward and reject this amendment.

Mr. DAVIS of Virginia. Mr. Chairman, we have three additional speakers

of 30 seconds each, but we only have 1½ minutes remaining.

Mr. HOYER. Mr. Chairman, let me use some time then.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Chairman, the previous speakers have greatly overstated their case. The overkill is amazing. To protect the Government's interest, laws have been on the books for decades requiring that the Government can only give Federal contracts to responsible contractors, that has been there all the time, those with a satisfactory record of financial and technical capability, performance, and business ethics and integrity.

The only thing that is happening now is that the administration has moved to clarify this and pinpoint more exactly what it means by responsible contractors. That is what is new. We do not need another study by the GAO. For decades, they have been observing and studying, and there is a whole body of experience that goes into the need to clarify what we mean by responsible contractor.

Last month, the administration issued a proposal to clarify the rules for determining who is a responsible contractor. The proposed regulations clarify that a relevant factor in deciding whether a contractor meets a responsibility test is its record of complying with the law. I mean, is that not easy enough to understand, a record of complying with the law, the tax law, labor and employment law, consumer protection laws, environmental law, and other Federal laws?

This is a modest common sense proposal that furthers the Government's interest in efficient, economical, and responsible contracting. It stands for and reinforces an important principle. Taxpayer-funded government contracts should go to responsible contractors with respect for the law.

All across the Nation, there are certain municipalities and towns and States that have laws which already go much further than this. One cannot get a contract in certain places unless one has complied with the law and one does not have a record of having violated the law. But this does not go that far. It does not blacklist anybody for having violated a law at once.

Opponents have attacked the proposal, saying it is a blacklist. These claims are unfounded. Nothing in the proposed clarifying rules will create a blacklist, nothing that prohibits contractors from bidding on future property. It is far too generous.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 30 seconds to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, quite frankly, I am in support of the Davis-Moran amendment. We fully agree, I think, on this floor that the Federal Government should do business with ethical and law-abiding companies, and that is why Congress, working with the Office of Federal Procurement Policy, has passed already a substantial body of statutes to which the Federal contractors must adhere. We do not need this blacklisting regulation. I, therefore, urge this body to support the Davis-Moran amendment.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York (Mr. KING).

Mr. KING. Mr. Chairman, I thank the gentleman from Maryland for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment proposed by the gentleman from Virginia (Mr. DAVIS) and the gentleman from Virginia (Mr. MORAN). In opposing this amendment, to me, the issue is one of simple fairness.

Very simply, I see no reason we in the Congress should delay implementation of regulations which require contractors to be responsible, to be in compliance with the law, all laws, environmental laws, labor laws; nor is there any reason the taxpayers' dollars, the dollars of hard-working Americans, should be used to reimburse the attorney's fees of contractors even when those contractors have been found guilty of violating labor laws.

Finally, Mr. Chairman, I see no reason why taxpayer money should be used to reimburse contractors the cost of conducting anti-union campaigns.

Mr. Chairman, very simply, I believe the contractors doing business with the Federal Government must be responsible. The taxpayers' money must not be squandered. I call for the defeat of this amendment.

Mr. DAVIS of Virginia. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. DAVIS) has 1 minute remaining. The gentleman from Maryland (Mr. HOYER) has 6 minutes remaining.

Mr. DAVIS of Virginia. Mr. Chairman, I ask unanimous consent that each side be allotted 1 additional minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. OSE).

Mr. OSE. Mr. Chairman, I rise in support of the Davis-Moran amendment; and given that I have but a minute, I will be brief.

The issue here is not union/nonunion, open shop/closed shop. The issue here is procurement policy. Current regulations already in place protect the Federal Government from unscrupulous contractors.

I would cite for my colleagues the Federal acquisition regulations that exist today, in fact, include a phrase ''the contractor is subject to a decision by the contracting officer that that organization or person have a satisfactory record of integrity and ethics.''

This is not about open or closed shops. This is not about union or nonunion shops. This proposal by the administration in the form of these new regs is very dangerous, because today we have an administration of one party suggesting one thing. Six months from now, we may very well have a different administration of another party.

This Moran amendment makes sense. Support it.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, when the gentleman from Virginia (Mr. MORAN) first talked to me about this issue, I thought it sounded reasonable. I have been involved in a lot of disputes between labor and companies with the Defense Department.

I had some procurement officers come in to see me today, and they told me they need systematic guidance about how to deal with these contracts. Now, they believe that this kind of guidance that has been set up or proposed in these regulations is the type of regulation that they need in order to be able to consummate the contracts. In other words, if the person is not violating the law or a regulation, they go forward. If by some chance the contracting officer makes a mistake, they have a recourse; and the recourse, of course, is appeal, and damages can be awarded to that particular company.

So if they have a legitimate bid, and they are not awarded the contract, and yet they would be otherwise, and it is very clear that the reason that they were not given the contract was because they did not comply with other Federal regulations or the law, then they have the recourse of going to the appeal and getting damages.

So I think we make a serious mistake if we were to delay these regulations at this time. I know my colleagues have been working a long time. But my feeling from the procurement officers themselves, the people that deal with this, is that they need guidance which says they are a systematic violation of the law or regulations, and that is the kind of guidance which helps them make a decision on whether to accept a contract or do not accept it.

So I would urge the Members to defeat this amendment.

Mr. DAVIS of Virginia. Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I rise in opposition to this amendment.

The long-standing policy of the Federal Government has been to make a

determination of responsibility. All the rules have attempted to do is to make more specific, to establish certain standards of performance that the people who are doing these deliberations can have some absolute objective guidance rather than subjective criteria.

I think it is very, very important to establish certain rules and regulations that these contract negotiators must follow. The taxpayers are involved in this. We have to make absolutely sure that the contractors who are being awarded these contracts are responsible, pay their taxes, follow the law, abide by the environmental requirements, OSHA requirements, and all of those other standards.

My State is full of Federal contracts, thanks to the gentleman from Pennsylvania and his generosity in coming and providing these contracts to our military bases. But it is very important that those contractors who come in abide by standards, otherwise the people of my State will be left paying the penalties.

Mr. Chairman, the amendment would prevent the Administration from adopting a rule that would reaffirm the principle that the Federal government should not award contracts to companies that chronically violate federal law.

The concept of the proposed rule is simple—if you are a persistent and serious violator of federal law, the federal government will take that into account in determining whether to grant you a contract.

The proposed rule simply clarifies the existing rule that the federal government should only contract with ''responsible contractors.'' It specifies what ''business ethics and integrity'' means for federal contractors. The standard includes compliance with federal tax, labor and employment, environmental, antitrust and consumer protection laws.

This amendment would prevent that.

A 1995 GAO study identified the kids of serious workplace violations that Federal contractors have committed. According to the GAO, ''for 88 percent of the 345 inspections, OSHA identified at least one violation that it classified as serious—posing a risk of death or serious physical harm to workers. For 69 percent, it found at least one violation that it classified as willful-situations in which the employer intentionally and knowingly committed a violation. At the work sites of 50 federal contractors, 35 fatalities and 85 injuries occurred.'' The Davis-Moran amendment would tell the Federal government to ignore these violations in deciding to award a Federal contract.

Another 1995 GAO report studied the labor records of Federal contractors. The report found that fifteen federal contractors had either ''been ordered to reinstate or restore more than 20 individual workers each or had been issued a broad cease and desist order by the National Labor Relations Board.''

The amendment is opposed by the Alliance of Mechanical, Electrical and Sheet Metal Contractors. The Alliance represents over 12,000 construction companies. It recognizes that an objective assessment of the past performance of federal contractors benefits the government and rewards contractors that obey the law. The private sector increasingly uses past contract and performance criteria including safety, training and workers compensation to assess contract compliance. So should the Federal government.

An economical and well functioning procurement system can only be based upon contracts with law-abiding citizens. Let's reject this ill-advised amendment.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Maryland for yielding me this time.

Mr. Chairman, I rise in opposition to the amendment because it does the wrong thing in the wrong way. Federal contract officers ought to have clear guidance when a contract competitor has engaged in a pattern and practice of disregard or violation of the law. People who engage in a pattern and practice of violation are bad risks, and they subject the taxpayers to the risk of poor performance or overpayment.

Moreover, this is done, I believe, in the wrong way. The administration has carefully looked at the policy issues involved in this, and I do not believe that a brief debate in the context of an appropriations bill is also a place to overturn that judgment.

With all due respect, the Committee on Education and the Workforce could and should take a look at this. I believe we will reach the same conclusion the administration did. It is bad business to do business with those who do that business badly.

Mr. Chairman, I urge defeat of the amendment.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. DAVIS) has 1 minute remaining. The gentleman from Maryland (Mr. HOYER) has 3 minutes remaining and the right to close.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, is it too much to expect that Congress wants our laws obeyed? Is it too much for citizens to expect that their taxes are protected from law breakers? Our society expects individuals to follow the law. When they do not, there are consequences.

When a company applies for a Federal contract to perform work paid for by the taxpayers, existing laws say it should be a law-abiding company. If it is not, regulations recently proposed would deny the law-breaking company eligibility to bid for a contract.

But this amendment prevents the Government from expecting that Federal contractors obey the law. This amendment would reward law breakers with taxpayer funds. This amendment would reward companies that break our environmental, labor, and consumer safety laws with lavish Federal contracts.

I regretfully must ask for a no vote on the Davis amendment.

□ 1845

Mr. DAVIS of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, the administration's new rules would create a standard which is so broad and so vague that it would cripple employers in the high-technology industry, and both sides want to do something here. This is an opportunity for small businesses and college and university research, but the administrations' new rules would add cost and, I think, would negatively impact the taxpayers.

So I ask colleagues on both sides to support the Davis-Moran amendment, which has bipartisan support, and which merely postpones the implementation of these regulations until GAO has the time to adequately assess them.

Mr. DAVIS of Virginia. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania (Mr. GOODLING), chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Chairman, last October I wrote to the Office of Federal Procurement Policy requesting any data or information upon which a procurement policy decision was made. I asked specifically for any information with specific contractors that had failed to comply with the laws. I asked for any specific complaints received from contracting officers involving the inadequacy of the current Federal acquisition laws. I asked for examples of specific government contractors that had been unable to fulfill their contracts.

Guess what the answer was? ''We do not keep any data that would give us an opportunity to answer your question.'' Well, then, where do they get any data to write these regulations?

Mr. Chairman, Congress needs to be responsible enough to get to the bottom of this proposed rule. If there is credible evidence showing a problem, then this is an issue we should address through the legislative process. But the Clinton administration needs to make a case that there is a problem.

The administration had the good sense to withdraw its first proposal. It should have the good sense to do the same with this revised proposal. Let me tell my colleagues, this proposed rule does not just implicate federal labor and employment laws. The regulation impact tax, environmental, antitrust, and consumer protection laws as well. Let me also point out that unless we pass the Davis-Moran Amendment, our colleges and universities may also lose important research contracts with the federal government under these proposed changes. The American Council on Education urges passage of this Amendment. I urge my colleagues to vote yes on the Davis-Moran Amendment.

Mr. Chairman, I submit for the RECORD letters relating to the subject matter of this amendment.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, November 5, 1999.

Hon. WILLIAM F. GOODLING,
Chairman, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter dated October 5, 1959, regarding ''Proposed Rulemaking/Federal Acquisition Regulations.''

In your letter you asked me to respond to three questions concerning data about procurement problems. You asked about contractors who have failed to comply with laws and the resulting problems in the procurement process. You also asked for information on government contractors who have been unable to fulfill contracts with the government because of labor and employment law violations. Finally, you asked about complaints from contracting officers concerning suspension and debarment procedures.

Section 19 of the Office of Federal Procurement Policy Act (codified at 41 U.S.C. 417), entitled ''Record Requirements'' delineates the procurement files every executive agency must establish and maintain. These unclassified files, which are computerized, record individuals facts about each procurement greater than $25,000. Procurement facts concerning contracts below $25,000 are recorded in a summary fashion. These agency records are then entered into the Federal Procurement Data System (FPDS), as discussed in Subpart 4.6 of the Federal Acquisition Regulation (FAR). The FPDS is the authoritative source of Government-wide procurement information. Federal agencies do not keep, and hence the FPDS files do not reflect, data from which answers to your questions can be derived. (Enclosures 1 and 2 are hard copies of the forms used by the agencies.)

The files kept on individual contract actions (there are nearly 12 million actions each year) are also not helpful in answering your questions. With the exception of a certification (Enclosure 3), those files are not set up to reflect contractor failure to comply with the law. Rather, they reflect performance or nonperformance of the contract.

In answer to your question concerning suspension and debarment procedures, the procurement debarment and suspension process under FAR Subpart 9.4 appears to be working effectively. The Department of Labor also has the authority to debar and suspend for failure to follow certain labor requirements under their jurisdiction. I have no current information concerning these non-FAR procedures. All debarments and suspensions are consolidated on a master list used by contracting officers, grants officers, and, in some cases, Government loan officers.

The proposed change to the FAR, however, does not concern debarments or suspensions; it concerns responsibility determinations. Responsibility determinations are actions taken by contracting officers on individual contracts. In contrast, suspensions and debarments are actions taken by agency suspension and debarment officials, and are effective in regard to all contracts and grants for the entire Government. The proposal would change 9.104–1 of the FAR but would make no change to Subpart 9.4. While Subparts 9.1 and 9.4 are related, they have separate purposes and procedures. We believe the proposed change does not concern, and will have no impact on, suspensions and debarments.

Sincerely,

DEIDRE A. LEE,
Administrator.

COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES
Washington, DC, October 5, 1999.

Ms. DEIDRE A. LEE,
Administrator, Office of Federal Procurement Policy, Acting Deputy Director for Management, OMB, Old Executive Office Building, Washington, DC.

Re: Proposed Rulemaking/Federal Acquisition Regulations

DEAR MS. LEE: As you are aware from numerous correspondence between this Committee and the executive branch, I, and a growing number of other members of Congress, strongly believe the administration's proposed ''blacklisting'' regulations published in the Federal Register July 9, 1999, are unfair, unnecessary, and without technical merit.

Testimony heard before this Committee last year demonstrated—as will testimony before House and Senate Committees in the future no doubt further demonstrate—that these changes will grant procurement officers discretion over laws with which they are not expert; are unnecessary in light of the protections against ''bad actors'' found in current law; and are so vague with regard to the standard potential contractors must meet they raise serious due process concerns.

Equally disturbing is the administration's attempt to bypass the proper legislative role of Congress effectively to amend the penalty provisions of dozens of federal laws—including the labor and employment laws within this Committee's jurisdiction.

I am writing today to urge you again to reconsider this political effort to cheapen the federal procurement process. In addition, I request that you provide to this Committee by October 19, 1999, specific data upon which your Office and the administration relied in fashioning these proposals. Specifically, what contractors have failed to comply with what laws causing what problems in the procurement process? What specific complaints have you received from contracting officers regarding the inadequacy of the current FAR suspension and debarment procedures? Also, what specific government contractors have been unable to fulfill contracts with the federal government because of labor and employment law violations? Finally, I also request any other data or information upon which this policy decision was made.

I thank you in advance for your attention to this request. If you have any questions, please contact Peter Gunas of my Committee staff, at 202–225–7101.

Sincerely,

BILL GOODLING,
Chairman.

AMERICAN COUNCIL ON EDUCATION,
OFFICE OF THE PRESIDENT,
Washington, DC, July 20, 2000.

DEAR REPRESENTATIVE: On behalf of the undersigned organizations, I urge you to support the Tom Davis (R–VA) and Jim Moran (D–VA) amendment to H.R. 4871, the Treasury, Postal Service, and General Government Appropriations Bill, that is expected to be on the House floor this week. The Davis/Moran amendment would impose a moratorium on the implementation of the proposed amendments to the Federal Acquisition Regulations (FAR) as proposed by the Federal Acquisition Regulatory Council pending an outcome of a study by the General Accounting Office (GAO). The Davis/Moran amendment presents a fair, balanced approach to this issue and provides Congress the opportunity to examine the extent to which the government is contracting with organizations that have unsatisfactory records of compliance with federal law, as well as evidence of contractor violations and their impact on contract performance.

The proposed amendments to the Federal Acquisition Regulations (FAR) would bar employers, including colleges and universities, from eligibility for federal contracts based on preliminary determinations, unproven complaints, and actual transgressions of federal employment, labor and tax laws. Although portrayed as clarification of existing law, we believe the proposed regulations would, in effect, give new powers to federal contracting officers not granted by Congress.

American colleges and universities, which receive over $18 billion annually in federal grants and contracts, would be directly affected by these proposed regulations. The FAR revisions could have the result of creating a ''blacklist'' of contractors who would be penalized as ineligible to receive government contracts—and potentially debarred—for ''unsatisfactory'' labor and employment practices. Colleges and universities are progressive employers, offering generous benefits and innovative policies such as work-family initiatives and domestic partners benefits. They are also large, complex organizations that are subject to extensive federal regulations. Despite our best efforts, conflicts and disagreements do arise, some of which result in allegations that an institution has violated labor, environment, or other laws.

We believe the federal government should seek to investigate and resolve such allegations in the most constructive manner possible under the current law process within the respective agencies. Unfortunately, the proposed Federal Acquisition Regulations would move in the opposite direction, encouraging adversarial relationships. Under the proposal, violations, preliminary determinations, and unproven complaints of laws—such as the National Labor Relations Act, the Occupational Safety and Health Act, the Fair Labor Standards Act, and employment discrimination statutes such as Title VII of the Civil Rights Act, the Americans with Disabilities Act, the Equal Pay Act, and the Age Discrimination in Employment Act—could trigger a status akin to ''blacklisting.'' The proposed regulations also would penalize contractors for violations of environmental, antitrust, tax, and consumer protection laws. Adverse determinations could lead to exclusion from preferred vendor lists and from eligibility for contracts and subcontracts.

The proposal would engender mistrust between colleges and universities and the various regulatory and contracting agencies. Moreover, it would invite and encourage persons or organizations who disagree with an institution about employment practices, land use, or various other matters to file formal complaints and thereby invoke the possibility of grave penalties contemplated in the proposed regulations as leverage. That would be an unfortunate distortion and certainly is not the intention of federal laws and other standards.

Under the proposals, federal agents would be empowered to decide what is or is not a ''satisfactory'' record of employee relations

from colleges and universities of every size throughout the country. Federal contracting officers do not, by the very nature of their work, possess the expertise or experience in the enforcement of labor and employment laws and regulations, to say nothing of environmental, tax, and antitrust laws and workplace practices. The proposed changes would give them authority to make arbitrary determinations to the detriment of the entire procurement process and the fair enforcement of employment and other laws.

The strong and cooperative relationship between the federal government and the country's colleges and universities has reaped countless gains for each party and for the nation as a whole through the contracting process. In the interest of furthering that long-standing relationship, we urge your support of the Davis/Moran amendment to H.R. 4871.

Sincerely,

STANLEY O. IKENBERRY,
President.

Mr. HOYER. Mr. Chairman, I yield myself such time as I may consume.

Let us cut to the chase here as to what this amendment is about and why these regulations came about. My friend and colleague, the gentleman from California (Mr. OSE) mentioned the criteria here. ''Responsible bidder: Necessary technical and financial capability, performance record, and business integrity and ethics.''

There seems to be a fear that somebody will make a subjective judgment. Well, the fact is that is a very broad criteria that is difficult to define. So what has been proposed? The administration is proposing that we have some definition of what ethics and integrity is. They simply say that that test of responsibility is the contractor's record of complying with the law. Certainly, we want our contractors to do that, including environmental laws, consumer laws, labor and employment laws, and other Federal laws, so that it will not be simply a subjective judgment as to what ethics and integrity are, but it will have some specific criteria to direct officials in overseeing whether or not somebody is a responsible contractor.

Is that not a reasonable step to take to give direction to Federal decision makers, as opposed, ironically, because the sponsors of the amendment think the opposite is true, of giving this very broad latitude currently existing to make a determination of whether somebody is ethical or has integrity? That certainly is a very broad base. Somebody may have complied with all of the laws but be deemed by somebody as not ethical in its behavior.

My suggestion, my colleagues, is to reject this amendment because, in fact, I think it does the opposite of what its proponents want to do. Its proponents want to give some definition and preclude arbitrary and capricious action. In my opinion, the regulations do exactly that. We ought to sustain them and reject the amendment.

Mr. WAXMAN. Mr. Chairman, I rise in strong opposition to this amendment which seeks to prevent the administration from implementing its contractor responsibility proposal.

I want to put this in the simplest terms. The administration has proposed that when awarding a Federal contract, we should ensure that the company who receives the contract has satisfactorily complied with federal laws, including environmental laws, labor laws, and consumer protection laws.

This is a commonsense proposal. If a company is illegally polluting our communities, endangering consumers, violating workplace safety laws, and not paying taxes, we should not be awarding them federal contracts. Instead, we should award the contract to a law-abiding company.

It is also important to understand that this is simply a refinement of current law. Since 1984, federal contractors have had to have a "satisfactory record of integrity and business ethics" under federal procurement law. The pending proposal states that in examining this record, a federal grant officer should consider whether the company has demonstrated "satisfactory compliance with federal laws including tax laws, labor and employment laws, environmental laws, antitrust laws, and consumer protection laws."

Now, maybe some business lobbyists think we should reward lawbreaking companies with federal contracts, but I believe the American people want their tax dollars to support upstanding companies that comply with the law. In the words of the Sierra Club, "Companies that fail to comply with environmental laws do not deserve to be rewarded with taxpayer-funded contracts."

Mr. Chairman, I urge all Members to oppose this amendment.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from Virginia (Mr. DAVIS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. HOYER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 560, further proceedings on the amendment offered by the gentleman from Virginia (Mr. DAVIS) will be postponed.

Mr. RANGEL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Will the gentleman suspend?

Mr. KOLBE. Mr. Chairman, I believe the gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the committee, was on his feet.

The CHAIRMAN pro tempore. The gentleman is correct. The Chair finds itself in the following position: I did not see the gentleman from New Jersey. We have just considered a Republican amendment and I was going to go to the most senior Democrat. But since the gentleman from New Jersey is a member of the committee and asks to be recognized, the gentleman from New Jersey will be recognized.

AMENDMENT NO. 6 OFFERED BY MR. FRELINGHUYSEN

Mr. FRELINGHUYSEN. Mr. Chairman, I offer an amendment No. 6.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FRELINGHUYSEN:

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. . None of the funds made available in this Act may be used for use of a Federal Internet site to collect information about an individual as a consequence of the individual's use of the site.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. FRELINGHUYSEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the intent of my amendment is quite simple. Government Web sites exist to serve the public. They should not be used to collect personal information about people who use these sites, unless the public chooses to disclose personal information to the government.

Recent news reports reveal that some Federal agency Web sites are placing what are called ''cookies'' on the personal computers of people who view and access government Web sites. This cookie technology basically allows the operator of a Web site to follow users around as they visit the site, and has the potential to continue to follow that user around after they have left the site.

I think that the use of this cookie technology on government Web sites raises many serious questions. For instance, do we really want the Federal Government to keep information on a user that tells them what page on the National Institutes of Health site the user looked up; how many times the user looked at the site; what time the user visited the site; what information the user downloaded from the site; and where the user went on the Web after they left that particular site? More important, why are they collecting this information? What are they using it for? What could this information be used for? Could it be misused? And, most especially, under what force of law do these agencies have the right to collect this information?

In response to the public outcry about government Web sites using cookies, the Federal Office of Management and Budget did issue a policy directive on June 22 of this year. And while it is a step in the right direction, let me just quote from the directive, which states, ''Under this new Federal policy, cookies should not be used at Federal Web sites unless in addition to clear and conspicuous notice the following conditions are met: A compelling need to collect data on the site,

appropriate and publicly disclosed privacy safeguards, and personal approval by the head of the agency.''

Mr. Chairman, one agency's idea of what they call a ''compelling need'' may very well be in violation of my constituents' privacy. I do not think we want to put these decisions in the hands of every agency head, nor do I think we want privacy protections that vary from agency to agency. We need this time out, or moratorium, where agencies are barred from using these technologies until we have a government-wide consistent policy under force of law that provides the necessary protections against the unintentional and involuntary collection of people's personal information.

Mr. Chairman, I know that this is a whole new arena for all of us in government as well as in the private sector, and we need the time to sort it through. I look forward to working with the chairman and others in Congress on this very important issue.

Mr. KOLBE. Mr. Chairman, will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I want to commend the gentleman for the amendment he has offered. Members of this body have been working closely with the gentleman from New Jersey and his staff for some time on this.

I think the gentleman has raised an important issue and, as he suggests here, we really need to have a consistent government-wide policy on the use of gathering information about people who are on the Internet and who seek access to Internet sites, including government sites. So I commend him for what he is doing. We do have some concerns that we have talked to him about the way his amendment is drafted, but we think we can work those out.

Members will also note this is the second amendment on this topic that we have had here tonight. The gentleman from Washington offered one which proceeds from the presumption that Internet access is being looked at and he asked to study it. This one proceeds from the idea that cookies should not be used. I think that is the appropriate way to look at this for the moment.

So I commend the gentleman for offering this amendment and thank him for yielding.

Mr. FRELINGHUYSEN. Reclaiming my time, Mr. Chairman, I thank the gentleman for his comments.

The CHAIRMAN pro tempore. Does anyone claim the time in opposition?

If not, the question is on the amendment offered by the gentleman from New Jersey (Mr. FRELINGHUYSEN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RANGEL

Mr. RANGEL. 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. RANGEL:

At the end of the bill, insert after the last section (page 112, after line 13) the following new section:

SEC. 644. None of the funds made available in this Act may be used by the Department of the Treasury to enforce the economic embargo of Cuba, as defined in section 4(7) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114), except those provisions that relate to the denial of foreign tax credits, or to the implementation of the harmonized tariff schedule of the United States.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from New York (Mr. RANGEL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. RANGEL).

Mr. DIAZ-BALART. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. DIAZ-BALART) reserves a point of order.

The gentleman from New York (Mr. RANGEL) is recognized for 10 minutes on his amendment.

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume.

It has been the policy of our country not to use food and medicine as a tool for foreign policy, and yet, as relates to the government of Cuba, we have been doing just that. We have allowed the people of the United States to believe that we have enacted the so-called Helms–Burton law in an effort to promote democracy in Cuba, but we have seen that sanctions really have not pushed democracy in Cuba.

The fact is that we have been using a different technique as it applies to communism in North Korea, in North Vietnam and in, more recently, China. It would seem to me that, if we really want to be consistent with our foreign policy, what is good in terms of trying to turn around these other Communist countries should be good for a Communist country that is only 90 miles from us.

In addition to this, so many American businesses are suffering unnecessarily because of this embargo. Our farmers are looking for new markets; the tourism industry; our bankers. There are just great opportunities. Not only that, but the same arguments relate to China; that other countries are ignoring this so-called embargo. They are doing business in Cuba at our expense. As a matter of fact, ironically, Cuban-Americans, who best know Cuba, are being denied the opportunity to do business in their homeland.

So what I am asking is that we just strike all of the funds that would be used to enforce this economic embargo against Cuba and allows us to have a consistent foreign policy and not to use food and medicine as a tool against them; not to deny people an opportunity to send money back home; not to deny people the opportunity, especially Americans, to go where they want to go, when they want to go, without fear of spending money or suffering sanctions from the United States Government.

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So I am asking for an aye vote on this so that America foreign policy and trade policy with Cuba would be in alignment with our overall universal policy.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Florida (Mr. DIAZ-BALART) insist on his point of order?

Mr. DIAZ-BALART. Mr. Chairman, I withdraw the point of order, and I rise in opposition to the amendment.

The CHAIRMAN. The point of order is withdrawn. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 10 minutes.

Mr. DIAZ-BALART. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just a few years ago, the Cuban dictator shot down two unarmed civilian aircraft over international waters killing three United States citizens including a Vietnam war hero and a legal resident of the United States.

Castro publicly admitted that he ordered the murders. Time Magazine, March 11, 1996: ''I personally ordered the shootdowns,'' he said.

In lieu of military action against Castro's Cuba, President Clinton agreed to sign the codification of our embargo against Castro's regime. Castro's act of terrorism against Americans was an unprecedented act of direct state terrorism. Not even Iraq or North Korea or Iran have done this, or Syria.

He did not pay or train terrorists to kill Americans. He did so with his own air force under his own orders. This was not 40 years ago. This was not during the Cold War. This was 4 years ago after as many of our colleagues say he no longer poses a threat to anyone.

Now, what has Castro done to merit the consideration and the courtesies that our colleagues seek to bestow upon him today? For us to send a signal saying, in effect, he can kill American citizens; do not worry about military action. And in 4 years we might want to make a buck from them?

What has he done except for his dinners and his banquets when he tries to charm visitors with his so-called wit during his 10-hour dinners? Increased repression. Thousands of political prisoners languish at this moment in his dungeons. And he continues to harbor U.S. fugitives from justice, including murderers of policemen.

I include for the RECORD, Mr. Chairman, the following letter received yesterday from the national president of the Fraternal Order of Police:

GRAND LODGE,
FRATERNAL ORDER OF POLICE,
Washington, DC., July 19, 2000.

Hon. THAD COCHRAN,
Chairman, Subcommittee on Agriculture, Rural Development and Related Agencies, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of the more than 290,000 members of the Fraternal Order of Police to express our strong concern about amendments to various appropriations measures which would ''normalize'' trade and relations with the Communist dictator in Cuba.

It is well known that the Cuban government is harboring scores of criminals wanted in the United States. Perhaps the most notorious case involves Joanne Chesimard, who murdered New Jersey State Trooper Werner Foerster and severely wounded his partner, Trooper James Harper. She escaped a maximum security prison in 1979 and fled to Cuba, where she now lives under the protection of the Cuban government as an example of ''political repression'' in the United States.

Fidel Castro also plays host to at least two members of a group called the ''Republic of New Africa,'' who murdered New Mexican State Trooper Robert Rosenbloom. And while some Members of Congress may see no problem normalizing relations with Cuba, the Fraternal Order of Police believes strongly that before any normal relations—trade or otherwise—are considered, Fidel Castro must return those wanted fugitives. We ought not to reward the Cuban policy of providing a safe haven for the murderers of Americans.

I realize that relationships with other governments are sensitive and complex, which require compromise and nuanced accommodation. However, the American people and the Fraternal Order of Police do not feel that we must compromise our system of justice and the fabric of our society to foreign dictators like Fidel Castro.

I ask that the Senate reject any and all amendments which would normalize relations between the United States and Cuba unless the issue of these murderous fugitives are resolved to our satisfaction. Trade bought with the blood of American law enforcement officers doing their job on American soil is too high a price to pay.

Please contact me if I can be of any further assistance on this or any other issue.

Sincerely,

GILBERT G. GALLEGOS,
National President.

After going through a number of State troopers, for example, State Trooper Werner Foerstar, murdered by someone who Castro has given ''asylum'' to and today is receiving his protection in Cuba; and State Trooper James Harper, who was maimed; State Trooper Robert Rosenbloom.

The Fraternal Order of Police writes yesterday: ''The Fraternal Order of Police believes strongly that before any normal relations, trade or otherwise, are considered, Fidel Castro must return those wanted fugitives. We ought not to reward the Cuban policy of providing a safe haven for the murderers of Americans. Trade bought with the blood of American law enforcement officers doing their job on American soil is too high a price to pay.''

This is the Fraternal Order of Police yesterday.

I reject the argument that we hear over and over again that the embargo has not worked. Number one, as leverage for a democratic transition after Castro is no longer on the scene, it is not supposed to work yet. Just like the European Union's demand of democracy for Franco's Spain or for Oliveira's Portugal did not work until they were gone from the scene, but it sure as heck worked when they were gone from the scene. And those countries are now part of the fully democratic European Union.

But with regard to other key aspects, the embargo has already worked. The embargo constitutes a red line to the kind of massive investments in credit and hard currency including, yes, through mass U.S. tourism that would give Castro an extraordinary economic boost if it were lifted.

Imagine the Cuban dictator with unlimited investments and credits with the kind of cash that he had when the Soviets were a superpower, with the kind of cash that he would have if the Rangel amendment were adopted, with the kind of cash that would be available if U.S. tourism were available.

It was just a few years ago, Mr. Chairman, just a few years ago that Castro had armies in Africa, surrogate armies throughout this hemisphere. Imagine Castro's support for international terrorists if he once again had the cash. Imagine the export arms industry that he would have developed, the chemical or biological weapons he would have manufactured if only he had the cash.

It certainly would not be like it is today. Because of our policy and because of Castro's brutality and his ineptness, his regime is a bankrupt tyranny condemned yearly by the United Nations Human Rights Commission with a radically diminished offensive capability, a radically diminished offensive capability that did not happen because of osmosis but that happened because of a wise bipartisan policy that this Congress and every administration has maintained because of the national security threat that his regime has signified.

U.S. sanctions, Mr. Chairman, have hurt the Cuban tyranny and denied the regime precious resources that Castro will use to work to overthrow elected governments, spread violence and terrorism, and work to defeat democracy throughout the hemisphere and indeed other hemispheres.

So I ask not that we stay on these pretexts; but rather, that we recognize, Mr. Chairman, there are three steps that U.S. law and policy call for for an end to all sanctions, for all American tourists to be able to go there, for all the billions that many seek to see and go to Cuba, go ahead and go there, only three steps that we call for in U.S. law: freedom for all the political prisoners, those languishing in prison today; legalization of political parties, labor unions and the press; and the scheduling of free elections.

We are the first to want to see an end to those sanctions, Mr. Chairman. Simply join us, we ask our colleagues, in demanding those three steps. And if not, just stop the pretext and admit that what is being sought is to bolster a regime that has oppressed our closest neighbors brutally for 41 years, that has killed Americans, and that continues to harbor fugitives from American justice, including murderers of U.S. policemen.

Mr. Chairman, I reserve the balance of my time.

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am not prepared to argue against the arguments made by my distinguished colleague, the gentleman from Florida (Mr. DIAZ-BALART).

I just refuse to believe that those people who voted for permanent trade relations with China were supporting the government of China or North Korea or North Vietnam. It was just a considered thought of this body that the best way to try to disrupt these types of communist governments is sunshine and let the light shine on the economic progress that countries can make through trade.

And so it just seems to me that we should not have a double standard. And no one is trying to help President Castro. From what I see, it does not appear to me that he is in need of food or medicine. But what we are saying is that the Cuban people should not suffer while we have seen that this man, Castro, has outlived nine or 10 United States Presidents while we have been looking for change. And we should not use the denial of food and medicine and the denial of the rights of Americans to go where they want to go when they want to go just because we are concerned, and rightly so, about the conduct of this man in Cuba.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, first of all, I would like to thank the gentleman from New York (Mr. RANGEL), my brother, for being courageous enough to always bring up this issue.

The fact that we continue to bring this issue is to the celebration of the day and of the time because this issue is not going to go away. As I said before on this floor, time is running out.

Today we will see something that has not happened before today. We will see Republican amendments on this floor dealing with the Cuba issue and deal with the Cuba issue as we see it, as I

see it, allowing travel, allowing exchanges, allowing commerce between the two countries.

Now, we can continue here to espouse all the points we want about what is wrong with Cuba, but the fact of life is that the relationship we want is with the Cuban people. No one here is supportive of the Cuban Government or Chinese Government or Vietnamese Government. We are supportive of people.

At this point in our relationship with the rest of the world, it makes no sense whatsoever to continue to say that we will not deal with Cuba because somehow they present a threat to us and to our security and to the rest of the world.

We present a threat to the people in Cuba. We present a threat to the children in Cuba. Every time we deny contact through travel, every time we deny food and medicine, every time we deny our culture, our behavior, our ideals, our way of being and of conducting business to be seen and heard up close in Cuba, we are hurting the Cuban people.

But we continue to believe that somehow, if we squeeze Cuba a little bit more, its government will fall apart and we keep hearing that.

Well, 6 months from now the Cuban Government will be on its 11th president, American President. The only reason they are not on their 13th president is because Reagan and Clinton were reelected.

So we better get used to the fact that the change has to come over here in terms of how we are going to behave with them. As long as we stand on this floor and we see support for China, Vietnam and Korea, there has got to be support for Cuba.

Mr. DIAZ-BALART. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, this amendment seeks to provide funds to the oppressive Castro regime without current U.S. policy requirements and those requirements deal with human rights, civil liberties, and political freedoms.

Do the supporters of this amendment believe that it is a bad thing to require democracy and liberty for the Cuban people first and require that U.S. policy not prolong their suffering?

By propping up the regime that oppresses them, by providing hard currency to the Castro regime, this amendment postpones the inevitable. And that is what we want for Cuba is we want democracy and we want liberty.

But this amendment condones the murder of these children and all of the other victims killed by Fidel Castro.

In this instance, Fidel Castro's coast guard rammed their small tugboats and turned their power hoses on these children, drowning them in their cries of anguish. Six years later, the regime refuses to turn over their bodies to the relatives.

This amendment would allow the Cuban dictatorship to purchase even more weapons such as those shown in this poster for Castro's brand of calisthenics for children when they lift rifles above their heads.

This amendment would propagate the system of apartheid, which is established by the regime denying access to food, medicine, and hotels to the Cuban people in favor of the tourists.

This amendment would allow Castro officials to keep political prisoners and human rights dissidents, such as Dr. Oscar Elias Biscet, in isolation in a squalid jail cell denied of food and medical attention, denied even the Bible.

That is what the Rangel amendment will do.

Mr. RANGEL. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California (Ms. Lee).

Ms. LEE. Mr. Chairman, I want to thank the gentleman from New York (Mr. RANGEL) for offering this amendment and for really allowing us to come to the floor to debate this issue which is so, so important.

Opening the door for the sale of food and medicine to Cuba is really a step in the right direction for America and for Cuba.

More than a decade has passed since the end of the Cold War. Yet one of the most Draconian policies from that era still exists, the United States trade embargo against Cuba. This is outrageous.

Now, I have visited Cuba on several occasions, and I have seen firsthand the immoral and inhumane impact of food and medical sanctions. I have witnessed the suffering and fear of people on kidney dialysis machines which need American parts in order to function properly so that their lives can be saved.

The Cold War has been banished to the ash bins of history. But unfortunately, the trade embargo with Cuba lives on. It is time to lift this embargo, especially on food and medicine, against an island of about 10 or 11 million people, 90 miles away from the coast of Florida. Even our own Department of Defense said that it poses no national security threat to the United States of America.

I support real action on this issue like the Rangel amendment, not watered down compromises. I urge my colleagues to support this amendment and further implore the President of the United States to lift the economic sanctions against Cuba.

The CHAIRMAN. The gentleman from Florida (Mr. DIAZ-BALART) has 2 minutes remaining. The gentleman from New York (Mr. RANGEL) has 2¾ minutes remaining, including the right to close.

Mr. DIAZ-BALART. Mr. Chairman, I yield the remaining time to the gentleman from New Jersey (Mr. MENENDEZ).

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Mr. MENENDEZ. Mr. Chairman, I rise to oppose the gentleman from New York's amendment. And I regret that I do not hear the voices of my colleagues, for example, who spoke very passionately on China about human rights, about labor rights, about democracy issues and who voted as I did in that context to deny MFN status to China because we believed that those issues were so tantamount, so important, that that trade should not be granted to that country.

The fact of the matter is that what the gentleman from New York (Mr. RANGEL) seeks to do in his amendment would not actually change existing law. In other words, the embargo would remain, but the ability supposedly to administer and enforce it would be gone, and, of course, this would not only create confusion but it would create lawlessness. Because what it would say to U.S. citizens is, ''Go ahead, break the law because the government can't catch you.''

What is even more important for those who do not believe in our policy is that the Treasury Department would be prevented from continuing to issue legal licenses for certain travel and food and medicine sales as is now allowed under existing law and the Department would be prohibited from providing that humanitarian assistance to the people of Cuba. By the way, Mr. Chairman, it is the United States of America through nongovernmental organizations that is the greatest remitter of humanitarian assistance to the people of Cuba over the last 5 years. It has sent over $2 billion over the last 5 years to help the people of Cuba.

So what hurts my family that still lives in Cuba is not the embargo of the United States. What hurts my family that lives in Cuba is the dictatorship of Fidel Castro, his failed economic policies, his rationing of people. There is plenty of food for tourists, plenty of food for tourism. There are plenty of medicines for what they call health tourism. There are medicines to export to other parts of the world but they are not there for the people of Cuba.

Therefore, we should vote against the Rangel amendment and preserve our policy in order to ensure freedom and democracy.

Mr. RANGEL. Mr. Chairman, I yield myself the balance of my time.

I think all of us have compassion in trying to find some way to bring democracy in all parts of the world and certainly Cuba being so close to us, we would like to see that happen there.

When we talk about people voting against China and not giving them normal trade relationship, a lot of people

did that. But an embargo is close to an act of war.

I have heard some of my colleagues say, ''Well, didn't you support an embargo against South Africa? Why do you think it is so different from China?''

An embargo is not effective when it is a unilateral embargo. No one respects our embargo. They know it is a political thing. It has nothing to do with our foreign policy or with our trade policy. What we are doing is because there is a constituency, a constituency that wants to make certain that this deviates from our policy, and a good policy, and, that is, not to use food, not to use medicine in order to change the political composition of any government. We should not use it as a political tool. That is what we are doing here.

Anyone can tell you, anyone that served in any administration as Secretary of State or any Assistant Secretaries of State in charge of Latin affairs would tell you that the embargo is bad foreign policy for the United States of America. We should not get involved in this type of thing, and it is not working. But, my God, if you can see American businessmen over there, to see tourists over there, to see students over there, to see our doctors and our scientists exchanging information over there. The Cuban people are not stupid. When they see what Americans can do, how they think and the competitive nature of their business and see how democracy really works, that is how you get rid of Communist government. You do not deny people the opportunity to listen, to travel, to send money, to do trade, to have commerce. That is when you are ashamed of your government and you do not want them to see things. We want to have this thing wide open, so Americans can see what is going on in Cuba and Cuba can see what is going on in the United States.

Why should we be fearful in terms of our national defense of this small handful of people that are in Cuba? Why can we not make them our friends and a part of the Caribbean Basin Initiative? Why can we not bring all countries to trade with us? What country are we denying the opportunity that is this close to us that is in our hemisphere not to be a part of our trading partners? I ask you all to think about our farmers, think about our businesspeople, and support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. RANGEL).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. RANGEL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 560, further proceedings on the amendment offered by the gentleman from New York (Mr. RANGEL) will be postponed.

AMENDMENT NO. 12 OFFERED BY MRS. MORELLA

Mrs. MORELLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mrs. MORELLA:

Page 112, after line 13, insert the following new section:

SEC. 644. (a)(1) Title 5, United States Code, is amended by inserting after section 5372a the following:

''§ 5372b. Administrative appeals judges

''(a) For the purpose of this section—

''(1) the term 'administrative appeals judge position' means a position the duties of which primarily involve reviewing decisions of administrative law judges appointed under section 3105; and

''(2) the term 'agency' means an Executive agency, as defined by section 105, but does not include the General Accounting Office.

''(b) Subject to such regulations as the Office of Personnel Management may prescribe, the head of the agency concerned shall fix the rate of basic pay for each administrative appeals judge position within such agency which is not classified above GS–15 pursuant to section 5108.

''(c) A rate of basic pay fixed under this section shall be—

''(1) not less than the minimum rate of basic pay for level AL–3 under section 5372; and

''(2) not greater than the maximum rate of basic pay for level AL–3 under section 5372.''.

(2) Section 7323(b)(2)(B)(ii) of title 5, United States Code, is amended by striking ''or 5372a'' and inserting ''5372a, or 5372b''.

(3) The table of sections for chapter 53 of title 5, United States Code, is amended by inserting after the item relating to section 5372a the following:

''5372b. Administrative appeals judges.''.

(b) The amendment made by subsection (a)(1) shall apply with respect to pay for service performed on or after the first day of the first applicable pay period beginning on or after—

(1) the 120th day after the date of enactment of this Act; or

(2) if earlier, the effective date of regulations prescribed by the Office of Personnel Management to carry out such amendment.

The CHAIRMAN. Pursuant to the order of the House today, the gentlewoman from Maryland (Mrs. MORELLA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I yield myself such time as I may consume.

First and foremost, I just want to say that I am offering this amendment today to right a wrong that has gone unchanged for the last 10 years. The amendment I am offering is simply a matter of fairness. There currently are 20 administrative appeals judges who serve on the Appeals Council for the Social Security Administration. These judges review numerous decisions made by administrative law judges, and yet they are not even compensated at the very same level. Prior to the enactment of the Federal Employee Pay Comparability Act in 1990, both of those judges, the ALJs and the AAJs, were compensated at the GS–15 level. That FEPCA, the Comparability Act, elevated the pay of ALJs to a new level that is from 10 to 15 percent higher than the GS–15 level. Unfortunately, Congress did not include the administrative appeals judges in this new pay category. Therefore, it has resulted in the situation where the Appeals Council is now the only administrative appellate body in government whose members are paid less than the judges whose orders and decisions that they review. This amendment would remedy this inequity. It would ensure that administrative appeals judges are paid at the very same level as those judges whom they review, the administrative law judges.

Actually, I bring this before the body because frankly we are in terrible difficulty with regard to losing those administrative appeals judges, and we need them desperately. This is an equity matter. I will just simply ask that the RECORD include my full statement and ask the chairman of the committee for his consideration of this amendment.

First and foremost, I would just like to say that I am offering this amendment today to right a wrong that has gone unchanged for the last ten years. The amendment I am offering is simply a matter of fairness. There currently 20 Administrative Appeals Judges (AAJs) who serve on the Appeals Council (AC) for the Social Security Administration. These judges review numerous decisions made by Administrative Law Judges (ALJs), yet they are not compensated at the same level. Prior to the enactment of the Federal Employee Pay Comparability Act in 1990, both ALJs and AAJs were compensated at the GS–15 level. FEPCA elevated the pay of ALJs to a new level that is from 10 to 15 percent higher than the GS–15 level. Unfortunately, the Congress did not include AAJs in this new pay category, resulting in the situation where the Appeals Council (AC) is now the only administrative appellate body in government whose members are paid less than the judges whose orders and decisions they review. This amendment would remedy this inequality and ensure that Administrative Appeals Judges are paid at the same level as those judges whom they review, Administrative Law Judges.

1. The AAJ's when compared to other Appellate Board members, whose grades are set by statute at the Senior Level (SL) or SES, operate with equal responsibility and authority. The Appeals Council (AAJ's) decide on complex legal/medical issues which at the very least equal those members of other Appellate boards within government. The decisions of the Appeals Council constitute the final administrative rulings in the case, and are not referred to any higher authority for approval or rejection.

2. Prior to FEPCA, the AC was stable in membership and few of its members sought

appointments as Administrative Law Judges. Subsequent to FEPCA, 14 AAJ's have accepted appointments as Administrative Law Judges (and 16 of the present Administrative Appeals Judges are on the waiting list to become Administrative Law Judges). As a result, more than 50% of the Administrative Appeals Judges serving on the Appeals Council have less than two years experience. In addition, since FEPCA was introduced, only one Administrative Law Judge has applied for a vacancy. Consequently, the AC has suffered diminution of institutional memory and working experience.

3. And most importantly this amendment does not add any money to the Treasury/Postal Appropriations bill. The Social Security Administration will pay these salaries. We are simply asking OPM to authorize these changes and OPM is in support.

Mr. KOLBE. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Arizona.

Mr. KOLBE. Mr. Chairman, I thank the gentlewoman for yielding and for offering this amendment. I am prepared as chairman of the subcommittee to accept the amendment.

Mr. HOYER. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentlewoman for offering this amendment. I think it is a very positive addition to the bill. I join the chairman in support of the amendment.

Mrs. MORELLA. I thank both the chairman and the ranking member of the subcommittee for that. I want to point out to this body that it adds no money to the Treasury-Postal appropriations bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does anyone seek time in opposition to the gentlewoman's amendment?

If not, the question is on the amendment offered by the gentlewoman from Maryland (Mrs. MORELLA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. 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. TRAFICANT:

At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. No funds in this bill may be used in contravention of the Act of March 3, 1933 (41 U.S.C. 10a et seq.; popularly known as the ''Buy American Act'').

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

This is a very simple, straightforward amendment. No funds in the bill may be used in contravention of the Buy American Act. There is a lot of money in the bill. If the IRS is going to buy computers, they should attempt wherever possible to buy American-made computers.

Mr. Chairman, I yield to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, this has been added to other bills. The gentleman from Ohio knows my particular views on this issue, but I think we are prepared to accept the amendment here.

Mr. TRAFICANT. Mr. Chairman, I ask for an ''aye'' vote.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member wish to speak in opposition to the gentleman from Ohio's amendment?

If not, the question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. SANDERS:

Page 112, after line 13, insert the following:

SEC. 644. None of the funds appropriated by this Act may be used by the Internal Revenue Service for any activity that is in contravention of section 411(b)(1)(H)(i) or section 411(d)(6) of the Internal Revenue Code of 1986, section 204(b)(1)(G) or 204(b)(1)(H)(i) of the Employee Retirement Income Security Act of 1974, or section 4(i)(1)(A) of the Age Discrimination in Employment Act.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from Vermont (Mr. SANDERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, this tripartisan amendment is cosponsored by the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from Ohio (Mr. KUCINICH), the gentleman from New York (Mr. MCHUGH), the gentleman from New York (Mr. HINCHEY), the gentleman from Michigan (Mr. CONYERS) and the gentleman from Wisconsin (Mr. BARRETT). It is also supported by the AARP, the Pension Rights Center, the Communication Workers of America and many other unions.

This amendment is simple and straightforward. It simply would prohibit the Internal Revenue Service from using any funding for activities that violate current pension age discrimination laws, laws that have been on the books since 1986.

Mr. Chairman, if a company reduced pension benefits based on race or religion or gender, the Federal Government would be sure to take appropriate action against the company. We can do no less when it comes to age discrimination in pension plans. The truth is that with regard to cash balance plans, the Federal Government has been asleep at the wheel and it is time to give them a wake-up call. That is what this amendment does.

Let me quote from a letter I received from the AARP today:

''This issue has largely been brought into focus because of the most recent corporate pension trend of changing traditional pension plans to so-called cash balance plan formulas. Older workers face inequitable treatment under these plans, and AARP believes the cash balance plans violate current law prohibitions on age discrimination. Already, hundreds of charges of age discrimination have been filed with the Equal Employment Opportunity Commission. In addition, the IRS, in consultation with other government agencies, has begun a process of review of the age discrimination issues involved in cash balance conversions. All this amendment requires is that the IRS not take any action in contravention of current age discrimination law. AARP hopes that this amendment will send a strong message that we value older workers and that we reaffirm that older workers should not be subject to age discrimination.''

Mr. Chairman, this tri-partisan amendment is co-sponsored by Mr. GUTKNECHT, Mr. KUCINICH, Mr. MCHUGH, Mr. HINCHEY, Mr. CONYERS and Mr. BARRETT.

It is also supported by the AARP, the Pension Rights Center, the Communication Workers of America and many other unions.

This amendment is simple and straightforward. It simply would prohibit the Internal Revenue Service (IRS) from using any funding for activities that violate current pension age discrimination laws—laws that have been on the books since 1986.

Mr. Chairman, if a company reduced pension benefits based on race, or religion, or gender, the federal government would be sure to take appropriate action against the company. We can do no less when it comes to age discrimination in pension plans. The truth is that with regard to cash balance plans the federal government has been asleep at the wheel and it is time to give them a wake up call. And that's what this amendment does.

Mr. Chairman, let me quote from a letter that I received today from the AARP:

This issue has largely been brought into focus because of the most recent corporate pension trend of changing traditional pension plans to so called ''cash balance'' plan formulas. Older workers face inequitable treatment under these plans, and AARP believes that cash balance plans violate current law prohibitions on age discrimination.

Already, hundreds of charges of age discrimination have been filed with the Equal Employment Opportunity Commission. In addition, the IRS (in consultation with other government agencies) has begun a process of review of the age discrimination issues involved in cash balance conversions. All this amendment requires is that the IRS not take any action in contravention of current age discrimination law. AARP hopes that this amendment will send a strong message that we value older workers and that we reaffirm that older workers should not be subject to age discrimination.

A vote in support of this amendment is a vote to protect the pensions of older Americans and I urge all of my colleagues to vote for this amendment.

Why are we offering this amenmdent? Mr. Chairman, hundreds of profitable companies across the country, including IBM, AT&T, CBS and Bell Atlantic have converted their traditional defined benefit pension plan to a controversial cash balance plan. Cash balance schemes typically reduce the future pension benefits of older workers by as much as 50 percent. Not only is this immoral, it is also illegal because the reductions in benefits are directly tied to an employee's age.

What makes the conversions even more indefensible is the fact that many of these companies have pension fund surpluses in the billions of dollars. It is simply unacceptable that during a time of record breaking corporate profits, huge pension fund surpluses, massive compensation for CEOs (including very generous retirement benefits), that corporate America renege on the commitments that they have made to workers by slashing their pensions. Mr. Chairman, Congress must stand with older workers and insist that anti-age discrimination statutes are enforced.

Mr. Chairman, I have heard from hundreds of workers throughout the country who have expressed their anger, their disappointment and their feelings of betrayal by cash balance conversions. These employees had stuck with their company when times were tough, and there have been some tough times for American workers. Some of these people are salaried employees who worked 60 or 70 hours a week for their company with no additional compensation, and missed their kids' Little League games or family activities because they were determined to do their jobs well. These are employees who went to work for their company and stayed at their company precisely because of the pension program that the company offered.

And these are the same employees who woke up one day, to discover that all of the promises that their companies made to them were not worth the paper they were written on. Mr. Chairman, this is outrageous. We must provide protections for these workers that have been screaming out to Congress for help. We must pass this amendment.

Large, multinational companies with defined benefit pension plans receive $100 billion a year in tax breaks from private pension plans alone according to the Office of Management and Budget. Mr. Chairman, the IRS should not be giving tax breaks to companies that willfully violate the pension age discrimination statutes.

To do so, not only violates public law and policy, it also provides taxpayer subsidies for illegal pension conversions. Mr. Chairman, there should be no tax breaks for companies that discriminate on the basis of age.

The fact that cash balance plan conversions violate current pension age discrimination laws is clear. According to Edward Zelinsky, law professor at the Benjamin N. Cardozo School of Law,

As a matter of law, the typical cash balance plan violates the statutory prohibition on age-based reductions in the rate at which participants accrue their benefits . . . There is no dispute about the underlying arithmetic: as cash balance participants age, the contributions made for them decline in value in annuity terms.

Mr. Chairman, if you are still wondering if cash balance schemes violate pension age discrimination laws, consider this:

Mr. Chairman, pension security is vital to the working men and women of America, and we must do all we can to ensure that employees of the most profitable companies in America do not lose their retirement benefits as a result of age discrimination. I urge my colleagues to stand up for American workers and vote for this amendment.

AARP,
Washington, DC, July 20, 2000.

Hon. BERNIE SANDERS,
Rayburn HOB, House of Representatives, Washington, DC.

Hon. GIL GUTKNECHT,
Cannon HOB, House of Representatives, Washington, DC.

DEAR REPRESENTATIVES SANDERS AND GUTKNECHT: AARP supports your amendment to the Treasury-Postal Appropriations Act to ensure that the Internal Revenue Service does not use any funds in contravention of current law prohibitions on age discrimination in pension plans.

In 1986, on a bipartisan basis, Congress enacted a set of parallel amendments to the Age Discrimination in Employment Act (ADEA), the Internal Revenue Code (IRC), and the Employee Retirement Income Security Act (ERISA) to prohibit the reduction of an employee's benefit accrual because of age. These provisions highlight Congressional concern about fairness to older workers in the operations of pension plans. The overall objectives of the amendment were two-fold: to assure that employee pension benefit plans do not discriminate on the basis of age and to remove disincentives to older employees to remain in the workforce. Prior to these changes, many plans made older workers face a cruel choice—retire, or watch the value of their retirement benefits erode substantially.

Your amendment would not change current law, but would simply require that IRS not use any funds that violate these current law provisions.

This issue has largely been brought into focus because of the most recent corporate pension trend of changing traditional pension plans to so called ''cash balance'' plan formulas. Older workers face inequitable treatment under these plans, and AARP believes that cash balance plans violate current law prohibitions on age discrimination. Already, hundreds of charges of age discrimination have been filed with the Equal Employment Opportunity Commission. In addition, the IRS (in consultation with other government agencies) has begun a process of review of the age discrimination issues involved in cash balance conversions. However, IRS has yet to issue any definitive guidance in this area.

All this amendment requires is that IRS not take any action in contravention of current law. AARP hopes that this amendment will send a strong message that we value older workers and that we reaffirm that older workers should not be subject to age discrimination in their pension plans.

If you have any further questions, feel free to call me, or have your staff call David Certner of our Federal Affairs Department at 202–434–3760.

Sincerely,

HORACE B. DEETS.

PENSION RIGHTS CENTER,
Washington, DC.

Hon. BERNARD SANDERS,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN SANDERS: The Pension Rights Center, the nation's only consumer organization working solely to protect the pension rights of workers, retires and their families, strongly supports your amendment to the Treasury-appropriations bill to prohibit the Internal Revenue Service (IRS) from using any funding for activities that violate current age discrimination laws. We believe that this amendment will help protect older Americans' pensions.

This amendment will ensure that the IRS does not approve cash balance conversions, a practice that clearly violates age discrimination laws. These cash balance conversions have received widespread attention because they significantly and irreparably reduce older workers' pension benefits. Loyal employees from some of the largest blue chip corporations—IBM, Bell Atlantic, Citibank and SBC—have been bewildered, angered and frustrated to learn that their companies have broken the long-standing pension promises that they counted on to make ends meet in retirement. Many of these employees have come to the Pension Rights Center asking us to help them protect their rights.

As you have noted, cash balance plans violate the age discrimination provisions of the Internal Revenue code, ERISA and the Age Discrimination Enforcement Act by reducing benefit accruals of people as they age. Many cash balance conversions also violate age discrimination rules by effectively freezing the benefits of older workers while providing new benefits only to younger workers through a controversial practice called, ''wearaway.''

The argument that the prohibition of cash balance plans will erode the defined benefit system is fallacious. The fact is, employers are switching to cash balance plans to save millions of dollars by reducing benefits of older workers. Employers know that if they were to terminate their overfunded defined benefit plans and set up a defined contribution plan, they would be required to pay a substantial excise tax. But by restructuring their plans into a cash balance arrangement, employers have been able to avoid paying taxes while essentially recapturing the ''surplus'' in their pension plans for corporate purposes. In face, recent articles in the Wall Street Journal, the New Times and Business Week have exposed how companies have used this practice to pump up the bottom line.

We have heard from thousands of employees who wonder how profitable corporations with overfunded pension plans have been able to unilaterally and unfairly break promises to them. If Members of Congress are concerned about the long-term viability of the private pension system, they should support your amendment to help restore faith in the nation's private pension system.

Unless the IRS stops cash balance conversions, taxpayers will rightly question why they are being asked to foot the bill for $80 billion in tax breaks to encourage pension plans if these plans are not serving their interest.

We look forward to working with you as you continue your efforts to champion legislation that fairly promotes the interests of employees and their families.

Sincerely,

KAREN W. FERGUSON,
Director.

KAREN FRIEDMAN,
Pension Fairness Project.

The CHAIRMAN. Does a Member rise in opposition to the amendment?

Mr. PORTMAN. Mr. Chairman, I do rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio (Mr. PORTMAN) is recognized for 5 minutes in opposition to the amendment.

Mr. PORTMAN. Mr. Chairman, I yield myself such time as I may consume. This is a rather unusual amendment offered by the gentleman from Vermont. It is unusual because by its own terms it says the IRS shall not use the funds appropriated to it under this bill to violate specific provisions of the Internal Revenue Code, ERISA and the Age Discrimination in Employment Act. I hope this is unnecessary.

Under current law, the Internal Revenue Service is required to interpret and enforce the law and is prohibited from acting in contravention of the law. It is also unusual in that we are in the appropriation process and this addresses tax policy.

I do not see any particular harm in the amendment, I just think it is a little unusual.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentleman for yielding. I am not going to oppose the amendment for the same reason that the gentleman mentioned. I have discussed with the gentleman from Vermont, but not the gentleman from Ohio yet. But I would hope that the amendment is not necessary because I believe that the IRS is following the law. I understand that that is the purpose of the amendment, however, and we are not going to oppose it.

Mr. PORTMAN. Reclaiming my time, I do want to take this opportunity to say that I have a bigger concern here which is whether the IRS has the resources available to it today to properly implement the laws that Congress is passing.

□ 1930

Let me talk specifically about the resources necessary to implement the historic restructuring reform act that this Congress passed only 2 years ago providing the most sweeping reforms of the IRS in 46 years.

My colleagues will recall that the Clinton administration initially opposed this effort but ultimately an overwhelming bipartisan majority of this House on both sides agreed that reform was needed. The RRA, Restructuring and Reform Act, required a number of major reforms, including a taxpayer friendly total reorganization of the entire Internal Revenue Service to improve customer service for every taxpayer.

We also directed the IRS to undertake a desperately needed computer modernization effort. Every Member of the House has heard horror stories from their constituents about erroneous computer notices received by constituents; where the left hand does not seem to know what the right hand is doing. The only way to get at this is by investing in improved IRS technology. This House made a commitment to do that.

Mr. Chairman, we need to protect our constituents from these very kinds of computer problems. The RRA also took steps to reduce IRS paperwork by moving toward taxpayer-friendly electronic filing, but there is an initial cost to that. We know there is a 22 percent error rate with paper returns, but only a 1 percent error rate with electronic filing. That is why we mandated that the IRS move to 80 percent electronic filing by 2007.

We are just beginning to see some improvements in the IRS, just beginning to see some progress. Yet, here, we are not funding the IRS at adequate levels. Earlier this year, the GAO reported that the processing time for tax returns on paper this year was 14 percent faster than last year. Electronic filings increased about 17 percent this year.

The IRS assistance lines are being answered at a higher rate, although not nearly at the private sector rate, and it is not nearly adequate. The point is that we are making some progress. There also have been some bumps along the road. Among other things, we desperately needed the IRS oversight board that the administration has dragged its feet on.

Although I agree that Commissioner Rossotti is doing a good job at trying to turn the agency around. He cannot do it without adequate resources. We need to continue funding the IRS at an adequate level to ensure that we do not jeopardize the very reforms that again so many Members of this House supported so enthusiastically just 2 years ago.

I hope, Mr. Chairman, as we move forward with this legislation that the House and Senate will be able to work together to find the needed funds to provide the taxpayers service improvements that we require in our IRS reform package.

Mr. Chairman, I commend the gentleman from Arizona (Chairman KOLBE) for his help with regard to the RRA; he was a big part of it. I commend the gentleman from Maryland (Mr. HOYER), the ranking member as well, for the difficult job both of them have done now in pulling together this legislation before us today and making sure it fits within the budget caps.

I know how committed both of them are to ensuring that the IRS modernization effort works for taxpayers. I would hope that the gentleman from Arizona (Chairman KOLBE) will work with the colleagues in the Senate to attempt to adequately fund the IRS restructuring and reform effort.

Again, I would say to the gentleman from Vermont (Mr. SANDERS), my friend, this amendment before us, I think, is probably unnecessary, but my bigger concern is whether the IRS has the resources to be able to follow the very requirements that we put in place through the IRS Restructuring and Reform Act.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. PORTMAN. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I want to say to all colleagues in the House, I do not think there is anybody in the House who has spent more time on making sure that the Internal Revenue Service is an effective agency efficiently collecting the revenues that are due to the government that can be used for the benefit of the American public and to do so in a manner that is consistent with the best interests of the taxpayer and his focus on giving it the proper resources to do the job we expect of it I think has been untiring and unwavering, and I congratulate him for his efforts.

Mr. SANDERS. Mr. Chairman, I yield 1¼ minutes to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me the time.

I must say to my friend from Ohio (Mr. PORTMAN), this is not about more computers. It is not about more people. It is about the IRS doing its job. I have here the dictionary definition of vested, and it says, law, settled, fixed or absolute, being without contingency, as in a vested right.

What this is about, ladies and gentlemen, is forcing the IRS to finally offer us a ruling on whether or not the conversion of some of these pensions violate the age discrimination laws that we already have on the books. That does not require a new computer. That does not require more staff. It simply requires that they do what we expect them to do, and that is interpret the law the way I think most of us would say.

I would say to all of my friends on either side of the aisle, could we imagine what would happen if we started tinkering with Federal employees with their vested pension rights? I might to

say to some of my friends in the military, what would happen here in this very Chamber if we began to tinker with the vested rights for some of our people who serve us in the Armed Services. But that is happening right now in violation, in my opinion, of age discrimination laws, and this IRS and this administration has refused to do anything about it.

This is a simple amendment. It is supported by the AARP, and, frankly, it will be supported by millions of Americans. I hope my colleagues will join me in supporting this amendment.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I support the amendment, cash balance pension conversion completely reverses the incentive older workers now have. Under cash balance pensions, workers have hypothetical retirement accounts that grow by earning interest.

The longer a worker stays with the company the larger effect of this compound interest; therefore, an older worker with only 10 years left before retirement does not have as much time as a younger worker with 25 years before retirement in which to earn interest. So this older worker will retire with a smaller retirement than a younger worker will when he retires. That just is not fair.

This amendment would compel compliance with the laws saving many American workers from losing the pensions they work for and halting the illegal and unethical conversion of workers pension to cash balance plans.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, this amendment is necessary. It is necessary, particularly in light of some of the omissions in the pension bill that passed the House yesterday. Among those omissions was the failure to deal with the increasing propensity of many major corporations across America to move from defined benefit pension plans to cash balance pension plans, and thereby, as a result of that move, reducing pension benefits for the more senior employees in the organization.

So this amendment is absolutely necessary. It draws attention to that omission, and, in fact, it draws attention of the IRS to the fact that its responsibilities with regard to pensions has to be observed, particularly, those responsibilities with regard to protecting older employees in their retirement.

This amendment is necessary. It should be passed.

Mr. SANDERS. Mr. Chairman, I yield 45 seconds to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Chairman, I want to applaud my colleague from Vermont (Mr. SANDERS) for this excellent amendment.

This is an amendment that is necessary. The issue here is cash balance pensions, and what we have heard from many corporations is that they are doing this to help younger workers being more mobile. We do not need to do this to help the younger workers. We are hearing that it is being done to make it easier for people to understand what their balances are. We do not need to do it. What we do need is, we do need the IRS to make it clear that you cannot convert a pension plan and rip off workers, and that is why it is important that this amendment be added. It is important that the age discrimination laws in this country be followed by the IRS as well.

Mr. KUYKENDALL. Mr. Chairman, today we are considering an amendment offered by the gentleman from Vermont to restrict the use of funds by the Internal Revenue Service to take any action that would undermine the pension laws or age discrimination in employment act. The intent of the amendment is to retaliate against companies converting defined benefit plans to cash balance plans. Ultimately, the gentleman seeks to prohibit such conversions because they may be detrimental to the retirement benefits of long-term employees. Because defined benefit plans provide the greatest amount of value towards the end of the employees relationship with the company, the effect of these conversions may fall more harshly on older, long-term employees who have spent their entire careers with one employer.

I share the gentleman's concern about the impact of these conversions on long-term employees. In fact, the issue hits me personally as my wife is one of those employees in a defined benefit plan who is within a few years of retirement. While I believe that we should consider how to change our pension laws to protect these employees, this amendment does not accomplish that objective. I also strongly disagree with my colleague's assessment that cash balance plans should be prohibited.

The amendment says that the Internal Revenue Service cannot fund any action that violates relevant tax, pension or age discrimination laws. On its face, the amendment is targeting the wrong party. The amendment has to take this approach to be considered on the floor today. It is a classic example of why legislation is not permitted on appropriations bills—they simply are too clumsy to be effective policy-setting tools. On a more technical level, these laws say that accrued—or earned—benefits cannot be reduced on the basis of age. However, future accrual are not protected by these laws. Moreover, while long-term employees may bear a greater burden, they are not being singled out on the basis of age because the conversion affects everyone in the company. For this reason, there is genuine disagreement over whether the conversion violates age discrimination laws. Most observers assert that cash balance plans are not inherently flawed and, in fact, the problem is not with cash balance plans but how the transition from defined benefit to cash balance plan is implemented.

Finally, cash balance plans play an important role attracting workers in a period when labor markets are tight and the workforce increasingly mobile. Portability is not a characteristic that should be penalized in our zeal to protect older and/or less mobile employees. The solution must take a broader view of the conversion, requiring employers to provide other benefits to long-term employees facing the prospect of having their future benefits cut. This approach reflects the economic reality for most conversions while preventing examples like the IBM conversion that have generated most of the negative publicity.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Vermont (Mr. SANDERS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. COBURN

Mr. COBURN. 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. COBURN:
Strike Section 640

The CHAIRMAN. Pursuant to the order of the House earlier today, the gentleman from Oklahoma (Mr. COBURN) will be recognized for 10 minutes and a Member in opposition will be recognized for 10 minutes.

The Chair recognizes the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, under agreement with the gentleman from Maryland (Mr. HOYER), the ranking member, and the gentleman from Arizona (Mr. KOLBE), the chairman of the committee, I have chosen to later withdraw this amendment during this discussion.

But I think it is very important that the American public know what we have done in this bill, and the reason I am offering it is to describe once again the tendency of us as a body, well-intentioned as we are, to think in the short term.

In 1995, we passed a budget out of this House that said we would change the contribution of Federal employees for their retirement. We did that again in 1996. The agreement with the President in 1997 was the same. In 1997, we had a 5-year moratorium to bring that up to 7.5 percent participation rate. What the committee did in trying to benefit Federal employees is to rescind the next few years of that agreement.

Although, I hold no malice towards our Federal employees, I think we ought to be very frank about what we are doing. We are spending $1.3 billion of Federal monies that we had previously agreed that we will not spend, so we reversed, once again, a commitment we made to the American public with the administration about how we would fix the finances of our country.

We do have a better revenue stream. There is no question about that, but our children do not have a better revenue stream. If we look at the unfunded obligations for Medicare and

Social Security, unless we think about the future, instead of about today, we are going to put them in a tremendous financial box.

We all know that; that is why we are all grappling with ways to fix Medicare and Social Security. But under the Federal pension benefit, we have an unfunded liability of three-quarters of a trillion dollars, a very high number equating close to one of these other two that I have mentioned.

Mr. Chairman, I want to make a case so that the American people know that if you compare to the top 800 corporations in this country defined benefits in terms of retirement, the Federal employees on average have 40 percent better benefits than the top 800 corporations for the same wages. They also have rising COLAs every year which those benefits they do not have in the private sector. They are going to be paying with this past the same level of contribution for a much expanded benefit as they paid in 1969, where those in the private sector have had significant increases in terms of 30 percent or 40 percent.

So although I hold no malice towards our Federal employees, I do hold malice on our judgment for going back on our long-term commitments to protect the future for our children and look honestly about what we need to be doing in terms of addressing this need. How are we going to pay for the retirement of the Federal employees?

Nobody has a plan out there. It is an unfunded liability of three-quarters of a trillion dollars, $763 billion today; this is going to add $1.3 billion to that and that we are going to take and assume.

I offer this amendment so that we can discuss this and understand what we are doing as we do this, and I have every intention of withdrawing it.

Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield myself 6 minutes and I rise in opposition to the amendment. I realize the amendment is going to be withdrawn.

I appreciate the gentleman from Oklahoma (Mr. COBURN) raising this for purposes of discussing why we are doing this; that is appropriate. I am pleased to rise and explain why we are doing this. I think it will be less animated than I otherwise would have been because the gentleman is going to withdraw the amendment.

Let me say that, first of all, I appreciate the remarks of the gentleman with respect to looking long term and looking to the future, ensuring that we manage the finances of America responsibly.

I have been here for longer than the gentleman, serving here since 1981. I think we were incredibly fiscally irresponsible as a Nation. Everybody went into debt very deeply in America in the 1980s. When I say everybody, consumers went deeply into debt. Business went deeply into debt, and government went deeply into debt.

First of all, in 1990, we adopted a budget which started us on the road of fiscal responsibility. It was very controversial. Then President Bush signed the legislation and was severely criticized for doing so, but most economists say that that was the first step in reaching where we are today. The second step, was 1993 when we thought about the future. Some called it a piece of legislation that was going to drive us deeply into recession, explode unemployment and explode the debt. Mr. Gingrich said that, the gentleman from Ohio (Mr. KASICH) said that, the gentleman from Texas (Mr. ARMEY) said that, that numerous other leaders in this House said that. In point of fact, exactly the opposite happened.

We have the best economy that any of us have seen in our adult lifetimes. In 1997, in furtherance of the effort to ensure that we were going to have a balanced budget and would not be deficit financing, we said to Federal employees you are going to pay an additional half point on your retirement.

□ 1945

It is only for the purposes of solving our deficit problem; and, therefore, because the budget projections now show a deficit balance as of 2002, we will sunset it in 2002 and go back to what they were paying in 1997. We then thought that 2002 would be the time when we would balance the budget. Well, lo and behold not only because of the 1990 bill, the 1993 bill and the 1997 act, which was a bipartisan act, the economy, mostly because of a high-tech explosion that has occurred and the global success that we have had, we balanced the budget earlier than we thought; in 1999.

As a result, we are now saying to those Federal employees, because we asked for the extra half percent and took it out of their paycheck to contribute to solving the deficit problem, we have now solved that deficit, operating deficit, on an annual basis and as a result what we are now saying is we are going to give it back. We are now going to return them to where they were, as we said we would in 1997.

So I say to my friend, the gentleman from Oklahoma (Mr. COBURN), we are doing exactly what we said we would do. We said when the budget was projected to be in balance we will roll back this temporary increase. All we are saying today is we have had good fortune and because we have met the premise of that act, we will now do what we said we would do, and do it early. That is all we are doing.

Now, I tell my friend, I represent a lot of Federal employees, as the gentleman from Oklahoma (Mr. COBURN) knows. If the policies that were in place in 1981 had not been changed, Federal employees in those 19 years would have received over a quarter of a trillion dollars more in pay and in benefits. A quarter of a trillion dollars Federal employees have contributed to getting this deficit down, by reduced pay and reduced benefits; a quarter of a trillion dollars.

Now, I say further to my friend, who mentions those 800 corporations, no Federal employee gets a stock option. No Federal employee can cash in his stocks at the end of the day or at the end of his career. They do not get a windfall. He does not get a golden parachute. The fact of the matter is, the Federal employees, as my friend knows, under FEPCA, the Federal Employee Pay Comparability Act, consistently is concluded by every analyst, and now it may differ as to the amount but by every analyst, to be paid less than his private-sector counterpart. Therefore, this is the fair thing to do. It is the right thing to do, and I am pleased that we are doing it.

Again, I thank the gentleman for raising it, and I thank the gentleman for agreeing to withdraw it at the appropriate time. I think it was appropriate to have it aired, and I am pleased to do so.

Mr. Chairman, I reserve the balance of my time.

Mr. COBURN. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I would make some points. First of all, the American people should look at the national debt clock. We are doing so well that the debt is going to rise this year. So if we want to measure whether or not we are balanced and whether we are in surplus, just look at how much debt we are going to leave for our children because it is going to be higher at the end of this year than it was at the end of last year. That is number one.

Number two, in 1960, the Federal employee contributions provided 84.8 percent of the benefit outlets. In 1995, that went down to 12.5 percent, and in the next 10 years it is to be below 10 percent, so that the fact is for the benefits as they rise, the Federal employees' share are at a decreasing and decreasing amount.

What does that mean? That means that our grandchildren's level and share is at an increasing amount. The point is that we still have a marked differential.

Let the record show, there is a thrift savings plan that most employers do not offer to their employees that Federal employees have. The comparisons that he made in terms of employees are based on professional employees, not bureaucrats, not midlevel employees. It is based on professional. So although I think the gentleman is right in his position to defend those that are his constituents, I still stand with my position that we are not prudent for our grandchildren; we are not prudent for the investment of the future; we are

not prudent for their standard of living because what we are going to do is leave them a legacy of debt.

Although we talk about retiring debt, we are talking about retiring publicly held debt. We are not retiring total debt. We still have the obligations, and the only thing it changes is our cash flow, not our actual amount of money costed in interest. So I understand the rhetoric in Washington about the debt and about the balanced budget, and I respect that that is the way it has been talked about; but in terms of an accounting standpoint, it is baloney. We are not in a budget surplus yet, even though we are calling it a surplus because we have a consolidated accounting that does not recognize our obligations.

Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, let me first of all thank my friend, the gentleman from Oklahoma (Mr. COBURN), who I disagree with on this issue but I think has shown an amazing amount of integrity as he deals with the budget deficit, really taking no prisoners or favorites as he goes out, trying to make sure that that budget becomes in balance. It has been a crusade with him since he joined the House; and as he leaves the House, I think he has left his mark on that. I respect and admire what he is trying to do.

On this particular amendment let me just tell the gentleman why I disagree with him. I represent 54,000 Federal employees, some of the hardest-working people we will find in America, but this money was taken from them to help balance the Federal budget. Their retirement system was actuarially sound. It was not in any jeopardy. They did not need to make a greater contribution to make it actuarially sound. The Civil Service Retirement System, the old system that is being paid out had problems, but these were people who came in under a contract; and we were trying to keep the contract with them, and yet they gave up a half of 1 percent of their salary to help balance the Federal budget.

They, in addition to that, gave up about $180 billion by last calculation of other benefits they were in line to receive to help reduce the deficit over the last decade and a half.

So it is not our money. It is their money. All we are doing in this particular case is restoring to them the benefits and the money that they had rightly owned and were willing to give up to help us balance the budget. Well, we have done that. We have done it 3 years early. Under the original act, this was going to be returned to them in 2003 when we thought the budget would meet the criteria that it is now meeting.

So I think it is fitting that we go ahead with this now. It is for that reason that I take exception to this amendment, but I appreciate what he is trying to accomplish and again his tenacity in pursuing a goal that I think we are all trying to get to.

Mr. COBURN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would state that anything that is backed by the Federal Government is actuarially sound even through we know Medicare is not, we know Social Security is not, and we know that the Federal Employee Retirement System is not as well.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

AMENDMENT NO. 4 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. NADLER:

H.R. 4871

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. Section 9101 of the Balanced Budget Act of 1997 (111 Stat. 670) is repealed.

Mr. KOLBE. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Arizona (Mr. KOLBE) reserves a point of order.

Pursuant to the order of the House earlier today, the gentleman from New York (Mr. NADLER) and a Member opposed each will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is a rare event indeed that a 172-acre island just off the tip of Manhattan that includes beautiful historic buildings, its own infrastructure and vistas of open space becomes available.

Since the U.S. Coast Guard left Governor's Island, thousands of New Yorkers, never short on opinions, have weighed in with proposals for its use, ranging from relocating Yankee Stadium to building an education center, to keeping an open space.

The future of the island has attracted national attention as well. In an effort to balance the Federal budget in 1997, a provision was included in the Balanced Budget Act, despite the strong objections of the New York delegation, mandating that the island be sold by 2002 for not less than $500 million, a price which even in New York's thriving real estate market is absurdly out of the question.

I rise today to reiterate the call to strip the arbitrary sales price of $500 million from the Balanced Budget Act and to voice my strong support for transfer of the island to the State or City of New York at no cost.

The island was donated to the Federal Government by New York 200 years ago, for no cost, for use as a military base; and now that the military no longer needs it, it is only right that the Federal Government return it to New York with the same courtesy and graciousness with which it was donated in 1800.

The island was used inappropriately a few years ago as collateral to help balance the budget; but now that we have extraordinary surpluses, the proposed auction of this island must be canceled.

For several years I have been working with the gentlewoman from New York (Mrs. MALONEY) in trying to free Governor's Island from the chains of the Balanced Budget Act. In that vein, we were pleased to be joined recently by Mayor Giuliani and by Governor Pataki in putting forward a framework for a conceptual plan to redevelop the island.

Many of those interested in the return of the island to the public agree that this plan, if followed, is a promising first step in this process. The island would be mixed use, meaning a significant portion of it would be devoted to open space and educational facilities to teach and remember the history of the island, along with some limited commercial activities such as park concessions, a hotel and a convention center to be established in one of the existing buildings in order to pay for the island's upkeep.

With this limited development, it is hoped the island could sustain itself financially while providing an enjoyable and educational place for everyone who visits New York. While we still have some stumbling blocks to overcome in New York in the way of local issues, we have begun a dialogue. It is a dialogue that I believe will produce an outcome satisfactory to the governor, the mayor, local elected officials, local planning and civic organizations and, most importantly, to those in New York and throughout the United States who would want to enjoy this treasure in New York Harbor.

Unfortunately, Mr. Chairman, it is this body in which virtually no dialogue on this subject has taken place. When we were scrambling to balance the budget, Governor's Island was seen as an easy mark for a fictitious $500 million.

I would point out that this Congress is now scrambling to find new and creative ways to give the money back to Americans. I would say this is a perfect opportunity.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is there a Member who rises in opposition to the amendment?

Mr. KOLBE. Mr. Chairman, I will not take the time in opposition, but I just want to continue to reserve my point of order, and will make it at the appropriate time.

Mr. NADLER. Mr. Chairman, I yield 1 minute and 45 seconds to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Chairman, I thank the gentleman from New York (Mr. NADLER) for yielding me this time.

Mr. Chairman, I strongly and firmly support his amendment, as does the mayor and the governor, and really in a bipartisan spirit, the delegation of New York State. Along with the gentleman from California (Mr. HORN), we held a series of hearings on Governor's Island in New York, and basically this bill is a reality check. In no way is this island worth $500 million; and if this price tag is attached to it, then we will not be able to develop it for the public service purpose that the governor and the mayor and all of the citizens of New York State and indeed everyone who visits New York could benefit from the development of this island.

This island was given to the country for defense 200 years ago, and now we are celebrating really the anniversary of that time; and it is time for the Federal Government to return the island to New York with the same generosity that New Yorkers showed by returning it to us at no cost so that we can follow through with the governor's and mayor's plan for development of it in a cost-effective, balanced way with educational, cultural, and as a tourist attraction. It has many historic forts that would benefit really the country.

□ 2000

It is an important opportunity for this Congress to really respond in a reasonable way and support the gentleman's amendment, and it is certainly in the best interests of New York State and, I would say, the country.

Mr. NADLER. Mr. Chairman, having taken this opportunity to air these issues on the floor of the House, and hoping that the House will see its way clear in the next year or so to deal with this issue properly, I will not cause the chairman to exercise his point of order.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT NO. 14 OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. SANFORD:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. ____. (a) None of the funds made available in this Act may be used to administer or enforce part 515 of title 31, Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel-related transaction.

(b) The limitation established in subsection (a) shall not apply to transactions in relation to any business travel covered by section 515.560(g) of such part 515.

The CHAIRMAN. Pursuant to the order of the House of earlier today, the gentleman from South Carolina (Mr. SANFORD) and a Member opposed each will control 10 minutes.

Does the gentlewoman from Florida (Ms. ROS-LEHTINEN) seek to control the time in opposition?

Ms. ROS-LEHTINEN. Yes I do, Mr. Chairman.

Mr. SANFORD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would simply make it possible for an American to enjoy his constitutional right to travel; specifically, to travel to Cuba. I think that this is important, first of all, because if one wants to change the policy in Cuba, if we want to end Castro, I think that travel is inevitably a good part of that success.

We have tried 40 years of one program, and it has not worked. So I think by sending Americans as diplomats, in essence, for our American way of life and for the need to change, we could change the Castro regime.

Mr. Chairman, I say this as a conservative. It was, in fact, Ronald Reagan that used this exact strategy in Eastern Europe in working to bring down the Berlin wall. He allowed Americans to travel with backpacks throughout Eastern Europe and it was part of what brought down the Berlin wall. In fact, this is what the U.S. Information Agency paid for in apartheid South Africa. When the entire world had an embargo on South Africa, the U.S. Information Agency paid for exchanges for American students to go to South Africa and for South African students to come to America because we thought that that personal diplomacy was very important in changing things in apartheid South Africa.

Finally, I would say this is simply important because this is what I heard when I went to Cuba myself and talked to political dissidents. What they said is that if you want to send the Castro regime, if you want to send him packing, the key to that is these personal diplomats coming down and flooding Cuba with American ideas. I say this in particular as one who voted for Helms-Burton. Helms–Burton has not worked, the strategy has not worked. I thought it might at the time; it did not work, and I think we need to move on.

Mr. Chairman, I would say that this is a constitutional right that can be abridged I think only under the weightiest of national security reasons. In fact, the U.S. Defense Intelligence Agency came out with a report in 1998 that said Cuba is no longer a military threat to the United States. So right now, in place, there are only three places in the world one cannot travel to: Libya, Iraq, and Cuba. The State Department can legitimately make the claim that it is dangerous to travel to Libya or Iraq, and therefore, we cannot travel there, but they cannot make the claim with Cuba. That is why Treasury handles it, and that is why this amendment specifically goes after the funding with Treasury.

So we have a very odd policy right now. One can travel to Vietnam or Pakistan or Serbia or Afghanistan, North Korea, China, to Sierra Leone, and a host of other places, many of which have repressive regimes, but we cannot travel to Cuba, and I think that travel would be important in changing things down there.

Finally, I would just make the point that this is a gut-check vote on how consistent we are, particularly as Republicans, because many of us believed in the idea of PNTR, the idea of being engaged with China to bring about change in China. If we think it will work in China, I do not know how it does not work in a country but 60 miles off our coast.

I would say up front that I admire the gentleman from New Jersey (Mr. MENENDEZ) and the gentleman from Florida (Mr. DIAZ-BALART) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for the way that they are advocates for their congressional districts. But what we need to get away from in our current national policy is having three congressional districts drive our policy toward Cuba. I think that this proposal, this is not lifting the embargo, but specifically goes after just travel, is a modest amendment, and it is bipartisan, it is the Sanford-Rangel-Campbell–Serrano amendment. I would urge its adoption.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 10 minutes.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentlewoman for yielding me this time.

While there may be some merits to this issue and the debate is certainly one that this House should have, it does not belong on this appropriation bill. This appropriation bill has enough weight on it, and I would urge my colleagues not to add this amendment to this bill. I urge the rejection of this amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment allows the continuation of an oppressive communist dictatorship who, according

to the State Department Human Rights Reports has actually increased its persecution and harassment of human rights dissidents. It denies medical treatment and food to political prisoners; it imprisons anyone at any time for expressing political views and beliefs that run contrary to the communist dictatorship.

This amendment would give the Cuban dictatorship additional funds to host killers of U.S. police officers, cop killers such as Joanne Chesimard who gunned down in cold blood New Jersey State trooper Werner Foerster, or those who murdered New Mexico State trooper James Harper. It would help keep other fugitives of U.S. justice in the lap of luxury, fugitives who are wanted for murder and kidnapping and armed robbery, among other heinous crimes.

This amendment gives funds to a dictatorship that condones the silencing of the opposition in Cuba by a regime which is classified by the Special Rapporteur for Freedom of Expression in the Hemisphere as the worst violator of human rights in all the Western Hemisphere.

Mr. Chairman, this amendment would give funds to enable Castro's intelligence service to expand its espionage in and against the United States. After all, they suffered a severe blow in 1998 when one of their spy rings was discovered by the FBI for their penetration of U.S. military bases, an action which threatened U.S. national security.

Mr. Chairman, this amendment would help support a regime who has sent special agents to Vietnam to help torture American POWs.

The only ones who will benefit from this amendment are the Castro brothers and their band of thugs who use violence and terror to hold on to power. They trample on the human rights and civil liberties of its citizens.

This amendment tells the Castro regime that it is okay for the regime to hold hostage the children of constituents in my district such as Jose Cohen, a Cuban refugee who escaped from prison 5 years ago. It tells the Castro regime that the 9-year-old daughter of Milagros Cruz Cano, a blind human rights dissident who escaped from Castro's gulag last November, is the property of the regime and she will not be allowed to be reunited with her mother here in the United States.

This amendment would give money to this regime, and the supporters must understand, as the Fraternal Order of Police has stated, that attempts to normalize relations with Fidel Castro and, they say, the American people and the Fraternal Order of Police do not feel that we must compromise our system of justice and the very fabric of our society to foreign dictators like Fidel Castro.

Mr. Chairman, I reserve the balance of my time.

Mr. SANFORD. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Chairman, I thank the gentleman from South Carolina for yielding me this time.

Mr. Chairman, our policy prohibiting Americans from visiting Cuba is really a relic of the Cold War. Forty years ago, it might have been a great idea. Today it is not.

My colleagues are offering a great amendment, one that will open dialogue, break down the barriers, and foster understanding.

Mr. Chairman, after the collapse of the Soviet Union, Cuba lost much of its military strength. In 1998, the Defense Department said that Cuba was no longer a threat to national security. I would say to my colleagues, if the Defense Department does not think Cuba is a threat, why can American citizens not visit there? We allow American citizens to travel all over the world; we should certainly allow them to travel 90 miles away to Cuba.

In 1982, the South African government was engaging in the most hideous kind of apartheid, and U.S. citizens were allowed to travel there. In 1988, when communism still existed, the United States citizens were allowed to travel to Czechoslovakia, Hungary, Poland, Romania, the Soviet Union. Today, when terror still abounds, U.S. citizens are allowed to travel to Syria. Mr. Chairman, the only countries besides Cuba which American citizens are prohibited from traveling to are Iraq and Libya. I would submit, Mr. Chairman, that we have a lot more reasons to fear Saddam Hussein and Moammar Khadafi than we do Fidel Castro.

History has shown that communism crumbles when exposed to the light of American democracy. Mr. Chairman, let us put the light on Cuba.

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. Chairman, we may live in the land of the free but that's only if you don't want to visit the country 90 miles off the coast of Florida.

I rise in strong support of the Sanford amendment to allow U.S. citizens to travel to Cuba.

Mr. Chairman, our policy prohibiting Americans from visiting Cuba is left over from the cold war. Forty years ago it might have been a good idea, today it's not.

My colleagues are offering an excellent amendment, one that will open dialogue, break down barriers, and foster understanding.

Mr. Chairman, after the collapse of the Soviet Union, Cuba lost much of its military strength. In 1998, the Defense Department declared that Cuba was no longer a threat to national security.

I would say to my colleagues: If the Defense Department doesn't think Cuba is a threat, why can't Americans go there?

We allow American citizens to travel all over the world. We should certainly allow them to travel to Cuba.

The United States treats Cuba differently than any other country, Mr. Chairman. And some people say that is part of our foreign policy.

I would like to state, for the record, that prohibiting face-to-face diplomacy has never been a part of American Foreign Policy.

In 1972, when Nixon normalized relations with China, U.S. citizens were allowed to travel to China.

In 1977, only 2 years after the end of the Vietnam War, U.S. citizens were allowed to travel to Vietnam.

In 1982, when the South African Government was engaging in the most hideous kind of apartheid, U.S. citizens were allowed to travel to South Africa.

In 1988, when communism still existed, U.S. citizens were allowed to travel to Czechoslovakia, Hungary, Poland, Romania, and the Soviet Union.

Today, when terrorist threats still abound, U.S. citizens are allowed to travel to Syria.

Mr. Chairman, the only countries, besides Cuba, to which American citizens are prohibited from traveling, are Iraq, and Libya.

I would submit, Mr. Chairman, that we have a lot more reasons to fear Saddam Hussein, and Moammar Khadafi, than we do Fidel Castro.

Far too few Americans have visited a country that is far too close for us to ignore.

I believe we should lift the food and medicine embargo on Cuba, I believe Americans should be allowed to travel to Cuba, I believe American companies should be allowed to do business in Cuba.

We should send Cuba our food, our tourists, and our Reeboks and Gillette products.

American tourists will bring to Cuba American ideas of freedom. History has shown us that communism crumbles when exposed to the light of American democracy, Mr. Chairman, let us expose Cuba to the light.

I urge my colleagues to support this amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Chairman, I rise in strong opposition to this amendment. I do so because I have been listening to this debate, and I am rather appalled by the notion that we won the Cold War by allowing Americans to go visit, and I disagree with my friend from South Carolina. Ronald Reagan did not win the Cold War by engaging and appeasement. Ronald Reagan did the right thing by standing up and pointing to the Communist dictators that killed millions and millions of people, and called them what they are, the evil empire. Called them the evil empire. Fidel Castro is evil.

Now, it might be nice to send American citizens down as tourists to pad the pockets of Fidel Castro and fund his habit, but where is our compassion for the people of Cuba, the people, the thousands upon thousands of people in Cuba that have been maimed, killed, buried? Where is our compassion for the American citizens that Fidel Castro has killed in a murderous way?

This is a tiny island, this is not Eastern Europe, this is not the Soviet

Union, this is a tiny island with an evil dictator that is oppressing his citizens. Yes, it has not worked the way it should have worked, because we have not been turning the screws on him and screwing him down and putting pressure on him, so that his people will rise up and throw him out for what he is.

Let me just tell my colleagues something. We talk about apartheid. The tourist industry in Cuba is apartheid. The Cubans do not get to go to the tourist facilities except to work there, as long as they are very well screened and the right kind of people that will work with the tourists. There is no interchange here. You go down, you lay on the beach, a nice hotel, you get to go to all of these wonderful places. This is an evil empire on the island of Cuba, and we should not lift the embargoes, we should screw it down tighter.

Mr. SANFORD. Mr. Chairman, I would just make the point that while Ronald Reagan did indeed call Communist countries the evil empire, he nonetheless allowed Americans to travel to Eastern Europe, and it was part of bringing down the Berlin wall.

Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Well, Mr. Chairman, it finally happened, the last speaker let the cat out of the bag. Cuba is a small island, not a large European country. That is the problem. If it was a large European country or an Asian country, he would be lobbying, as he did, for free trade with Cuba, because he was the chief sponsor of lobbying on behalf of President Clinton for free trade with China.

But he said it. Cuba is a small island, and for 41 years, we have been saying, you are a small island, you are insignificant, you speak another language, we are going to step all over you. Well, the big news tonight is that it is no longer a Serrano amendment, it is a Sanford-Campbell-Serrano amendment, and even the chairman of the subcommittee, who I respect tremendously said, it does not belong in this bill, but he never said the amendment stinks, he said we should debate it.

Mr. Chairman, that is the change, that we want to begin to debate it, and it is a matter of time before this policy falls apart. Because it was improper, and it finally came out. It was never about what was right, it was about Cuba being a small little island, and China being a big country, and Russia being a big country.

□ 2015

Well, Cuba will remain a small, little island, but the small children of Cuba should be able to greet and meet the children of America. Contact is the best way. Of all the things we have done to try to isolate Cuba, the travel ban is the most unconstitutional. It is unheard of. It is anti-American at its core to say people cannot travel, and this will have to end.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would remind my colleague that once upon a time he was always advocating on behalf of a free Cuba. It is a shame that now he is on the other side.

Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. MENENDEZ), the esteemed minority whip.

Mr. MENENDEZ. Mr. Chairman, I rise in opposition to the Sanford amendment.

Mr. Chairman, I would tell the gentleman, I take offense to the gentleman's statement that in fact three congressional districts, that supposedly we are working on behalf of our congressional districts, three congressional districts driving policy.

That would be the equivalent of saying that Irish American Members of this House who promote peace and justice in northern Ireland are driving that policy, or that Jewish Members of this House are driving the policy on the Middle East, or that African-American Members of this House who believe very passionately about the need to invoke and engage in Africa are driving that policy.

I reject that view. I find it distasteful.

Let me say that I hope to hear from some of our colleagues about human rights, about democracy, about the hundreds of prisoners in Castro's jails. They are very eloquent in other parts of the world. They are silent as it relates to Cuba.

Twelve types of travel are now permitted under existing law. Thousands are going to Cuba for legitimate media, cultural exchanges, academic, and religious purposes. This provision would actually create a set of circumstances where Americans, because the law would not be changed, Americans would have to otherwise travel to Cuba who can travel to Cuba legally; under these licenses, they would now have to choose between traveling illegally or not going at all.

I do not believe that sunning one's buns on the beaches, I do not believe that sipping rum at the bar, I do not believe that smoking cigars or that the poor slave labor at the Hotel Nacional ultimately promotes freedom, democracy, and human rights. That is, in essence, what we are doing, throwing an economic lifeline to Castro.

Mr. SANFORD. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. GEJDENSON).

Mr. GEJDENSON. Mr. Chairman, what is clear is that the present policy towards Cuba has failed. What completely leaves us incapable of understanding is why we would ban American travel. Are we fearful that Americans would somehow be beguiled by Castro's political system, and they would go over?

It seems to me clear that our policy for 40 years has failed. If Members want to undermine Fidel Castro, get out of the way, let Americans of Cuban descent and every other national origin go there. The contrast will undermine Fidel Castro.

Somehow Members think that Americans would lose their faith in our political system, or Americans might go over to the other side. There is no physical harm or danger to Americans. It is clear the American embargo on Cuba has only isolated America.

The answer here is clear: Let us change the policy, and we will change Fidel Castro. Continue this policy and we only shore up Castro.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield myself such time as I may consume.

I would remind our colleague that contracts were destroyed by Fidel Castro.

Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, the gentleman from South Carolina (Mr. SANFORD) is a distinguished member of our Committee on International Relations for whom I have the highest regard. However, I find it necessary to oppose his amendment.

This Sanford amendment would make enforcement of travel restrictions to Cuba virtually impossible. The travel restrictions themselves would not be lifted. People who violated law would still be subject to criminal penalties.

Furthermore, this amendment would end the Treasury Department's ability to issue case-by-case licenses for travel to Cuba, as is now permitted under existing regulations. People who wanted to travel to Cuba legally for purposes that we all support would not be able to get licenses. In effect, the amendment would prevent law-abiding people from visiting Cuba.

The net effect of this amendment would be to encourage people to break the law. We must not send that kind of a message, particularly not to our Nation's young people.

This is particularly true when our fundamental quarrel with Fidel is that he refuses to allow the rule of law in Cuba. The Castro government refuses to take the steps that would permit us to lift the provisions of our embargo: freeing political prisoners, permitting opposition political parties, freeing labor unions to organize, and scheduling free, fair, internationally supervised elections.

With all due respect to my good friend, the gentleman from South Carolina, I urge our colleagues to oppose this amendment.

Mr. SANFORD. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS of New York. Mr. Chairman, if the United States listened to the people of Cuba, to Cuba's religious leaders, and to the overwhelming majority of its human rights activists and dissidents, it would lift its embargo and begin to normalize relations with the island.

What we should be doing is learning from our own mistakes. Whether we brand a country Communist or not, evil is evil, bad is bad. But we should learn from our own mistakes, for surely in this country it just took to 1965 to where all Americans in this country had the right to vote in America, in a democracy.

We can look back, back in the 1950s, when we sent people like Paul Robeson, Junior, away from this country. We did not allow people to do various things and exercise human rights in this country.

So what we should do, we should take this opportunity to show what we have learned by our mistakes, that understanding that engaging with Cuba, when clearly for 40 years holding them at bay has not done anything, but by engaging with them, we could bring democracy.

Ms. ROS-LEHTINEN. Mr. Chairman, I am pleased to yield 30 seconds to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I would point out to my colleagues, we have talked about apartheid and what existed in South Africa. One of the things we could do is ask every American who would travel to Cuba not to stay in a hotel that carries out apartheid.

Many of my colleagues have visited Cuba. Maybe they are not aware that literally no Cuban is literally even allowed into the lobby of the hotel legally under Cuban law; that when they meet with my colleagues, they actually have to get specific exemptions from that law to meet with my colleagues in those hotels.

That is the regime we are dealing with, a regime that, if we do this, we throw an economic lifeline to them. That is a mistake. Cuban workers who get paid 25 cents an hour do not get paid that. It goes to the Cuban government, and they get paid 10 cents an hour.

I urge the defeat of the amendment.

Ms. ROS-LEHTINEN. Mr. Chairman, I yield the balance of my time to my other colleague, the gentleman from South Florida (Mr. DIAZ-BALART) of the Committee on Rules, to close on our side.

The CHAIRMAN. The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 minute.

Mr. DIAZ-BALART. Mr. Chairman, I want to say to my distinguished friend, the gentleman from South Carolina, his measure, if passed, would constitute the most significant hard currency generator for the Cuban dictatorship that we could pass in this Congress.

Secondly, it would in that way contribute more than any other measure to the oppression by the repression machinery of the Cuban people by the dictatorship.

I would remind the gentleman from South Carolina when just a few years ago we were in Guantanamo we met with 35,000 refugees. For the first time in 35 years, they were able to elect a council. The council said, tighten sanctions, do not ease them.

Then I asked him here, right here where the gentleman from Maryland (Mr. BARTLETT) is right now, just a few weeks ago, is there any difference between the views of the people they met in Cuba and the people they met in Guantanamo? And the gentleman said no.

So with all respect, I do not understand the change in the gentleman from South Carolina. Do not agree to this amendment, defeat it. It would be the singular, the most significant way in which we could increase hard currency to the dictatorship. Defeat the Sanford amendment.

Mr. SANFORD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would say that we come at this with the same goal: ending Castro's regime in Cuba. I think we need to be careful about maligning the intentions of others. The gentleman from New York (Mr. SERRANO) may see a different way than the gentlewoman from Florida (Ms. ROS-LEHTINEN), but the end goal is the same, which is, how do we change things in Cuba?

The evidence, based on 40 years of our policy not working, comes out decidedly on the side of engagement. I say that from the standpoint of history. If we look at history, Members will recall, sanctions have never worked in the history of mankind. I do not know why there would be an exception with Cuba.

Two, I would say, based on personal experience, 50,000 people a year travel to Cuba basically illegally. I tried that myself. I went down on my own, under the radar screen, and stayed in a person's home. This is not about getting money to Castro. I paid $35 a night to stay in a person's home. We ate at their cousin's house. I paid money to eat at their house. This is about getting money in to the regular Cuban citizenry, which can then combat the Castro regime that I think we are all against.

The CHAIRMAN. All time has expired on this amendment.

The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANFORD. 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 560, further proceedings on this measure will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 9 OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mrs. MALONEY of New York:

Page 112, after line 13, insert the following new section:

SEC. 644. The Office of Personnel Management shall conduct a study to develop one or more alternative means for providing Federal employees with at least 6 weeks of paid parental leave in connection with the birth or adoption of a child (apart from any other paid leave). Not later than September 30, 2001, the Office shall submit to Congress a report containing its findings and recommendations under this section, including projected utilization rates, and views as to whether this benefit can be expected to—

(1) curtail the rate at which Federal employees are being lost to the private sector;

(2) help the Government in its recruitment and retention efforts generally;

(3) reduce turnover and replacement costs; and

(4) contribute to parental involvement during a child's formative years.

The CHAIRMAN. Pursuant to the order of the House of today, the gentlewoman from New York (Mrs. MALONEY) will control 5 minutes and a Member in opposition will control 5 minutes.

Mrs. MALONEY of New York. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, last year when my chief of staff was expecting a baby I inquired what the Federal leave policy was, and I was surprised to learn that there is no paid leave for the birth or adoption of a child.

There have been many news articles talking about the difficulty of maintaining a talented staff for the Federal Government. In response, along with my colleagues, the gentleman from Virginia (Mr. DAVIS), the gentleman from Maryland (Mr. HOYER), the gentleman from New York (Mr. GILMAN), and the gentlewoman from Maryland (Mrs. MORELLA), we introduced the Federal Employees Paid Parental Leave Act, H.R. 4567.

This amendment will help us understand and quantify why this bill is so important. We are asking OPM to conduct a study to understand the impact of providing paid parental leave to Federal employees. We often hear that we need to run government more like a business. This study will lay the foundation for the Federal government to do just that.

Mr. Chairman, we are here today in support of families.

Everyone talks about supporting families, but when you look at the policies, they are not as supportive as they should be.

In a Federal Government that says it is family friendly, public employees should not lose pay for becoming parents.

Last year, when my District staff director was having a baby, I reviewed our office policy. I also wanted to consult the federal leave policy.

I was shocked to learn that the Federal Government does not provide its employees with any paid leave for the birth or adoption of a child!

In the Federal Government, unless you have stowed away all your vacation and sick days, there is no way to take off even one day without taking a cut in your paycheck.

Then, in May the Washington Post informed us that the Federal Government is suffering from a talent drain because it is not providing competitive pay or benefits as compared to private sector companies.

In response to these problems, I, along with Mr. DAVIS of Virginia, Mr. HOYER of Maryland, and Mr. GILMAN of New York, and Mrs. MORELLA of Maryland introduced H.R. 4567, the Federal Employees Paid Parental Leave Act.

This bipartisan bill would give Federal employees 6 weeks of paid parental leave for the birth or adoption of a child.

Since we introduced the bill in May, I have heard from men and women across the country who have relayed their stories to me about the great impact this legislation would have on their families.

Mary Bassett wrote to tell me her story.

When Mary was pregnant with her son in 1993, she was placed on bedrest for the last six weeks of her pregnancy.

She was forced to exhaust all of her sick and annual leave.

When her son was born, he was critically ill and was in Intensive Care for two weeks.

Since Mary had used up all of her sick leave and accrued vacation time, she was forced to return to work when her son was 7 weeks old.

Her family could not survive without her paycheck so May was forced to make a choice:

Stay home with her sick newborn, or put food on the table for her family.

I also heard from Dee Kerr. Dee works for NASA.

When her daughter was born, she had accrued a lot of leave and was able to take time off with pay.

Now, at 40, Dee would like to have another child but doesn't have any paid leave saved up.

She is now wondering if she and her husband can have a second child because they cannot afford to take time off without pay.

Dee has to make a choice:

Have a second child or put food on the table for her family.

Today, I join with Representative HOYER and Representative GILMAN in introducing an important bipartisan amendment.

This amendment will help us understand and quantify why H.R. 4567 is so important.

We are asking OPM to conduct a study to understand the impact of providing paid parental leave to Federal employees.

This study will likely reveal that the Federal Government will become more competitive with the private sector by offering paid parental leave.

This study will likely show that the government's recruitment efforts will be boosted and that the costs related to turnover and replacement will be greatly reduced.

Finally, this study will conclude that the Federal workforce can win back dedicated and qualified workers to the Government if we offer a benefit that is already being offered by the majority of private sector companies.

Everyone always says that the Federal Government should be run more like a business.

This study will lay the foundation for the Federal Government to do just that.

Mr. Chairman, I yield 1 minute to my distinguished colleague, the gentleman from New York (Mr. GILMAN), co-author of this amendment.

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I am pleased to support this amendment benefiting our Federal employees. I applaud my colleagues, the gentlewoman from New York (Mrs. MALONEY), the gentleman from Virginia (Mr. DAVIS), and the gentleman from Maryland (Mr. HOYER), for their leadership on this important issue calling for a study looking into offering paid parental leave for Federal employees, a benefit that many of their counterparts in the private sector now enjoy.

The time has finally arrived for the Federal government to become more competitive with the private sector to help gain and retain qualified employees. The private sector has been able to hire the best and brightest employees and offer competitive benefits and pay, while the Federal government has seen its top workers fleeing for higher-paying private sector jobs.

Employees will not be forced to choose between their new child and their jobs. Paid leave will afford Federal employees the opportunity to welcome their child into the world and adjust to their new life without worrying about whether or not they can pay next month's gas bill.

I am pleased to support the amendment, confident that this study will lead to extending 6 weeks of paid leave for Federal employees. Families will celebrate the arrival of a child with fewer worries, which will help create a more family-friend Federal Government. I urge support for the amendment.

Mrs. MALONEY of New York. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY), the chair of the Democratic Children's Caucus.

Ms. WOOLSEY. Mr. Chairman, it makes good sense to have the OPM study the best ways to give Federal employees paid leave following the birth or adoption of a child, and to study the effect paid leave will have on the Federal work force, because it then can be a model for the rest of the country.

Today if a child is fortunate enough to have two parents living with them, chances are that both parents work long hours and commute long distances. So then we have to ask the question, who is taking care of our children? Compared to 33 years ago, parents spend 52 fewer days a year with their children. That is almost one day a week.

□ 2030

We must do something to help parents bridge the gap between work and family, especially when they have a new baby. The Maloney-Gilman-Hoyer amendment is a good first step that will let American parents respond to the question, who is taking care of our children? Then we can have a simple answer. That answer can be we all are.

Mrs. MALONEY of New York. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman from New York for yielding to me. I thank her for introducing this amendment along with the gentleman from New York (Mr. GILMAN), the gentleman from Virginia (Mr. DAVIS), and the gentleman from Maryland (Mr. HOYER). I firmly and wholeheartedly support it.

The majority of private sector companies do provide paid leave to their employees, but the Federal Government does not. In fact, the Federal Government does not provide its workers with any paid leave for the birth or adoption of a child. That is why this study is really important.

I want to refer to the fact that Steve Barr, who writes for the Washington Post, recently wrote a series of articles showing that the Federal Government is suffering from a talent drain because it is not providing competitive pay or benefits as compared to private sector companies.

We do need to attract and retain the most qualified, dedicated workers to serve in our workforce; and these family-friendly policies that can be brought about and enhanced by virtue of this study are critically important.

Mrs. MALONEY of New York. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I thank the gentlewoman for yielding me this time.

I stand today, Mr. Chairman, to support this amendment to require OPM to conduct a study on alternative means to provide Federal employees with at least 6 weeks of paid parental leave in connection with the birth or adoption of a child.

I am an original cosponsor of H.R. 4567, which would provide that at least half of any leave taken by a Federal employee for the birth, adoption, or placement of a child be paid leave. Parenting is a key component to a child's development and eventual success in and contribution to a society.

In 1993, the President signed the Family Medical Leave Act providing Federal workers with up to 12 weeks of unpaid job-protected leave for childbirth or adoption, which has benefited more than 20 million Americans. However, parents need more support to help balance their family and work responsibilities.

A recent poll released by the National Parenting Association found that low-income parents and parents of very young children are the least likely to be able to take family leave due to the loss of income.

Therefore, Mr. Chairman, I support this amendment.

The CHAIRMAN. Is there a Member wishing to claim the time in opposition to the amendment of the gentlewoman from New York (Mrs. MALONEY)?

If not, the question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MORAN OF KANSAS

Mr. MORAN of Kansas. 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. MORAN of Kansas:

At the end of the bill, insert after the last section (page 112, after line 13) the following new section:

SEC. 644. None of the funds made available in this Act may be used to implement any sanction imposed by the United States on private commercial sales of agricultural commodities (as defined in section 402 of the Agricultural Trade Development and Assistance Act of 1954) or medicine or medical supplies (within the meaning of section 1705(c) of the Cuban Democracy Act of 1992) to Cuba (other than a sanction imposed pursuant to agreement with one or more other countries.)

The CHAIRMAN. Pursuant to the order of the House earlier today, the gentleman from Kansas (Mr. MORAN) and a Member opposed each will be recognized for 10 minutes.

For what purpose does the gentleman from New Jersey (Mr. MENENDEZ) rise?

Mr. MENENDEZ. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from New Jersey (Mr. MENENDEZ) will be recognized for 10 minutes.

POINT OF ORDER

Mr. DIAZ-BALART. Mr. Chairman, I make a point of order against the amendment of the gentleman from Kansas (Mr. MORAN).

The CHAIRMAN. The gentleman will state his point of order.

Mr. DIAZ-BALART. Mr. Chairman, the amendment of the gentleman from Kansas (Mr. MORAN), in my view, violates clause 2 of rule XXI of the House rules by, in effect, legislating on an appropriations bill.

The amendment would add significant new responsibilities and duties to the Treasury Department, for example, to determine whether there are agreements when it refers to in the last sentence of the amendment, ''pursuant to agreement with one or more countries, the Treasury Department would have to determine whether there are agreements to whether such agreements could grant legal authority for the President to take legal action.'' What is meant by an agreement? Does it have to be a written agreement, a treaty, or is an action in concert sufficient?

I guess I would ask of the author of the amendment, is an action in concert sufficient? Is that what he seeks to mean by agreement?

Even U.N. multilateral embargoes, Mr. Chairman, for example, they require the U.N. Participation Act to grant the President the legal authority to impose any sanctions agreed upon by the United Nations.

So for those reasons, and I ask the question in the context of making the point of order, is action in concert sufficient, or is a written bilateral agreement necessary? Due to that, I believe, especially since it is unclear, that there is a significant possibility, and I believe it does constitute legislating on an appropriations bill.

The CHAIRMAN. Does the gentleman from Kansas (Mr. MORAN) desire to be heard on the point of order?

Mr. MORAN of Kansas. Mr. Chairman, I am happy to be heard on the point of order.

Mr. Chairman, I believe that current designations by OFAC designating which countries we have unilateral sanctions against is specified in the rules and regulations. They would easily and readily be able to determine the definition of the phrases included in the amendment.

Mr. DIAZ-BALART. Mr. Chairman, addressing the point of order, this applies as well to future agreements. So my point is, is action in concert sufficient to constitute a future agreement under this amendment, or is a written bilateral agreement necessary? This amendment, without any doubt, Mr. Chairman, applies to future agreements.

The CHAIRMAN. Does the gentleman from Kansas (Mr. MORAN) wish to be heard further on the point of order?

Mr. MORAN of Kansas. No, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Texas (Mr. STENHOLM) wish to be heard on the point of order?

Mr. STENHOLM. I certainly do, Mr. Chairman.

Mr. Chairman, I believe that, based on all precedents within the House concerning appropriations bills and limitation of spending thereon, the amendment of the gentleman from Kansas (Mr. MORAN) meets all of the criteria as established under due precedence of this House. It is not that complicated. It is simply saying that none of the funds may be made available under this act to implement any sanction imposed.

It is something that the Parliamentarian has upheld, the Speaker has upheld many times, and I would urge the upholding and the ruling against this particular appealing of the Chair or the rule.

The CHAIRMAN. Does the gentleman from Florida (Mr. DEUTSCH) wish to be heard on the point of order?

Mr. DEUTSCH. Yes, Mr. Chairman, on the point of order.

Again, I would hope that each of us has an opportunity to read the amendment specifically. I would say to the gentleman from Texas (Mr. STENHOLM) that this is much broader than a limiting amendment, and I would agree completely with the gentleman from Florida (Mr. DIAZ-BALART).

If we read the language, it specifically asks someone, without any legislation, to determine other than a sanction imposed pursuant to an agreement with one or more other countries.

It is not a limiting amendment. A limiting amendment talks specifically about limiting funds on a specific program in a specific way without creating this additional category which would take investigative power, which would, in fact, take expenditure of funds, which by definition a limiting amendment cannot expenditure funds, which is exactly what this does.

So I think it is a pretty black and white case that we are spending money. This is authorizing money effectively, because that is the only way to do what this amendment asks us to do is spend money.

So I urge the Chair to rule the amendment out of order.

The CHAIRMAN. Are there any other Members who wish to be heard on the point of order?

Mr. DIAZ-BALART. Mr. Chairman, is a verbal agreement by the President with any other country sufficient to constitute an agreement? Or is a bilateral written agreement or multilateral written agreement necessary? That is my question.

The CHAIRMAN. The amendment is in the form of a limitation accompanied by an exception. The limitation

confines itself to the funds in the instant bill and merely imposes a negative restriction on the availability of those funds for specified purposes, to wit: implementing certain international sanctions. The exception excludes sanctions ''imposed pursuant to agreement with one or more other countries.''

The Chair finds it appropriate to construe the word ''agreement,'' as used in the context of international sanctions, as meaning accords between or among sovereigns. The Chair similarly finds it appropriate to engage a presumption of regularity in finding that officials of the United States who are charged with the implementation of international sanctions with a specific knowledge of unilateral sanctions are likewise charged with knowledge of the bases on which they proceed, including the ''corporate'' knowledge of their Executive agency concerning the provenance of a particular sanction.

On these premises, the Chair holds that neither the limitation nor the accompanying exception imposes new duties of discernment, occasions new burdens of investigation, or otherwise requires Executive action beyond the call of existing law.

The point of order is overruled.

PARLIAMENTARY INQUIRY

Mr. DEUTSCH. Mr. Chairman, I have a parliamentary inquiry of the Chair.

Mr. Chairman, I was given a copy of this amendment earlier this evening, and the amendment that is at the desk is a different amendment. I would inquire of the Chair if the unanimous consent agreement allowed for the gentleman from Kansas (Mr. MORAN) to change his amendment.

The CHAIRMAN. The unanimous consent agreement to which the House concurred simply specified an issue. Under the order of the House the gentleman from Kansas (Mr. MORAN) may offer an amendment regarding sales to any foreign country. It was not a numbered amendment. That was part of the order.

Mr. DEUTSCH. Mr. Chairman, that is not the amendment in front of us. The amendment in front of us specifically speaks to only one country; and, therefore, it is not in order based on the unanimous consent agreement of this House today.

The CHAIRMAN. The Chair will state again, the order of the House states that the amendment may regard sales to any foreign country, so one foreign country would obviously be included in that description.

The Chair recognizes the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would make clear that the amendment that I am offering this evening restricts the use of funds in this appropriations bill solely for food and medicine and solely related to the country of Cuba. It is different than any amendment offered previously today by other Members of the House.

Our embargo against sales to Cuba has done little to change the behavior of this island nation. In fact, it appears to me that the only thing that U.S. sanctions have done is to give Cuba, its government, an excuse to blame us for their failed policies.

This policy has been in place for 38 years, and a failed policy does not have to be permanent. We have debated this issue on this floor numerous times, and I think it is now time for the House to speak its will in regard to whether or not this sanction policy should be continued.

Why is this amendment in order appropriate to the Treasury-Postal appropriation? United States sanctions are enforced by the Office of Foreign Asset Control, a branch of the U.S. Treasury Department. This amendment, again, would prohibit the use of funds to implement those sanctions which are, in fact, unilateral on food and medicine to Cuba.

When the world acts together, and I might point out that, if our policy on sanctions toward Cuba was a good one, one would expect other countries, democracies, perhaps, who share our ideals, to join us in the effort of imposing sanctions against the country of Cuba.

That has not been the case. When the world acts together, we can perhaps achieve some success in influencing the behavior of another country or its government. However, in today's global economy, unilateral sanctions simply have been proven ineffective.

I encourage support of this amendment for several reasons that I would like to defer until my opportunity to close.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman from Kansas for yielding me this time, and I rise in strong support of the amendment of the gentleman from Kansas.

To those that have argued previously and will argue again that this is not the time and the place, I would agree. It would have been much better to have had this issue freely and openly debated on the floor of the House months ago. But having not done that, it would have been next better to have had it dealt with on the Agriculture appropriations bill; but it was not to be.

No way now do I, though, endorse the type of government that has existed in Cuba for 5 decades.

□ 2045

But it should be obvious to all that sanctions, unilaterally applied, do not work; cannot work.

And the reason they cannot work, or as a previous speaker said today, what we ought to be doing is tightening the screws down on Mr. Castro. That is impossible to do when we have unilateral sanctions. When we unilaterally deny the sale of food and medicine to the Cuban people from the United States and our ''friends'' from Canada, from Europe, from Asia, from all over the world sell to that market, who are we kidding when we say we are hurting anyone other than the people of Cuba, who still like Americans; and producers in America, who otherwise would have the opportunity to compete for those sales?

Sanctions do not work unilaterally applied. How many years is it going to take for this body to understand they cannot possibly work if they are unilaterally applied? If they are multilaterally applied, in which all countries of the world decide this is what we should do, whether it be to any country of the world, then we have a chance.

Tonight we have a clear shot, up and down, for every Member of this body to express themselves as to whether or not we should lift the sanctions on Cuba on food and medicine. That is what this vote is about.

Mr. MENENDEZ. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I rise in opposition to the amendment of the gentleman from Kansas, and I want to state something. This is not about lifting the sanctions on food and medicine, because the law still will exist. And any sales to Cuba, other than those that are licensed, will still be illegal. So we will not be achieving what the gentleman wishes to achieve.

Secondly, the amendment speaks of agricultural commodities and, as such, chemicals can be sold under that heading, including precursor chemicals, which I do not believe we want the Castro regime, which is still on our list of terrorist states and which harbors fugitives from the United States, to have access to. Voting for this amendment would prohibit the United States from enforcing the sale of precursor chemicals that can be used for weaponry, including bombs, biological and chemical weaponry.

Lastly, the fact of the matter is that we constantly hear that our sanctions are affecting the Cuban people, even though we are the greatest remitters of humanitarian assistance to the people of Cuba, $2 billion over the last 5 years, more than all the other countries of the world combined during the same time period. Yet it is Castro's failed economic system and his dictatorship that refuses to give the Cuban people what they deserve. He can buy from anyplace in the world. He has to have the money to do so. He does not have the money to do so.

And I would note that this amendment, if we believe that it is going to

accomplish lifting it, which it does not, lifting the sale of food and medicine, it says nothing about credits and, in fact, can be interpreted to permit credits and can be interpreted to permit government subsidies. Now, the last thing I believe that this body would want is to use subsidies to sell to a dictatorship that uses food and rations as a form of control, which is exactly what Castro does. He uses rationing as a form of control over his people.

So this is not about selling to the average Cuban, which I probably would be for. This is about selling to the regime and then having the regime ration their own people, as they do today, as my family has to do, standing in line, because the regime does not give them the resources and opportunities in a free marketplace for them to purchase.

Mr. MORAN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

In response to the gentleman from New Jersey (Mr. MENENDEZ), this amendment deals strictly with an agricultural commodities; does not talk about agricultural chemicals. And the issue of credit remains with the administration, as it does today with our dealings with any other country. The President has the ability, and has used it in my tenure in Congress, to defeat the opportunity to sell agricultural commodities by refusing to extend credit.

So the amendment does not in any way increase or decrease the authority of the administration, of a President of the United States, in regard to credit.

Mr. Chairman, I reserve the balance of my time.

Mr. MENENDEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding me this time.

This amendment ensures U.S. Government financing to the Castro regime. Our U.S. taxpayers would be subsidizing a dictatorship. Our country was founded on the principles of freedom, of democracy, of human rights. As the leader of the international community, this amendment means that our principles are being sacrificed. It means that we are no longer upholding, defending and, indeed, demonstrating the moral guidelines which have directed U.S. policy of helping oppressed people.

This amendment would provide funds to a regime which violates human rights, which denies its citizens the right to participate in their religious beliefs. It tortures men and women for thinking differently and for voicing their dissenting opinions despite the threat to their personal safety.

The safeguards that this amendment seeks to remove are in place so that the Castro regime does not take U.S. food and medicine and then sells it to a third country so that it can further increase its war chest, a war chest which it uses to torture, to harass, to intimidate and to oppress the Cuban people.

This amendment would allow the unbridled, unrestricted trade with a brutal dictatorship using U.S. taxpayer funds, and it would only prolong the suffering of the Cuban people.

This amendment would send a message that this pariah state is now being forgiven for their practices, despite the cost in human life and the dignity of each individual who suffers under the dictatorship.

This amendment sends the signal that the United States will no longer serve as a moral compass for emerging democracies to emulate; that the United States' sense of right and wrong is succumbing to commercial interests.

The safeguards in place through the licensing process at the Department of Commerce and the Department of Treasury ensure that the food and medicine donated to the Cuban people actually reach the men, the women, and the children that they are intended for. These safeguards ensure that they will not be diverted by the Castro regime for the use of its officials and for foreigners. This amendment seeks to remove those safeguards and has U.S. taxpayer money going to the Castro regime.

Mr. MORAN of Kansas. Mr. Chairman, may I inquire as to the balance of the time?

The CHAIRMAN. The gentleman from Kansas (Mr. MORAN) has 4½ minutes remaining, and the gentleman from New Jersey (Mr. MENENDEZ) has 5½ minutes remaining.

Mr. MORAN of Kansas. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise in strong support of this amendment.

I would agree on one point that one of the opponents of this amendment made, and that is that none of us are apologists for the actions of Castro. Truly, he has infringed upon human rights, he has impeded religious freedoms, he has impeded the advancement of democracy. But where I absolutely disagree is what is the policy that this country can adopt that is going to advance democracy in Cuba? And it is a policy of engagement.

This simple amendment we are talking about today is one that we will allow for the sale of U.S.-produced agricultural products and medicines to Cuba. A policy of isolation has done nothing to advance democracy over the past 40 years. It is time for us to adopt a policy that will let us flood Cuba with U.S.-produced rice, with U.S.-produced wheat, with U.S.-produced beef products. That is going to do more to achieve our objectives.

I think it is somewhat ironic that Cuba today, per capita, is probably exporting more doctors throughout the world than any other country, yet the United States, the economic power, the leader in medicine technology, is refusing to sell medicinal products to Cuba. That is outrageous. That is not a policy that this country should be proud of.

If we truly are a country that respects democracy, that understands how we can best influence the actions of a country, then we should be embracing the policy of economic engagement which we adopted with China, that we should adopt in Vietnam, and which we should adopt in Cuba to make a difference in advancing the rights of the people of Cuba.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Chairman, I can agree in a sense with the gentleman from California (Mr. DOOLEY), but I want to talk a bit about specifics.

I really plead with my colleagues to think about the specifics of what this amendment does. The specifics is really selling to the Castro government. It is not selling to Cuba. It is selling to the Castro government. It is selling to Castro. It is literally propping Castro up.

As my colleague from New Jersey said, I think all of us would be in agreement if there was a way that we could sell to NGOs and get food and medicine to Cuba, which we support, but that is not what this amendment does. And, in fact, the Cuban government has restricted, in fact has prevented the ability to even give food and medicine through NGOs to the Cuban people.

Cuba is not China in any sense, where the leadership has changed. Mao Tse-tung does not exist in China today. Again, the specifics of this amendment would strengthen the Castro regime. I urge its defeat.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in strong opposition to this amendment. We are not talking about free trade, we are talking about pulling Castro's fat out of the fire right at the last minute.

We are not talking about anything that is going to promote freedom or prosperity or goodness for the Cuban people, we are talking about keeping in power a dictatorship; a country in which the jails are full and the newspapers are censored.

What is going to happen down there if we pass this? We are going to demoralize all the people in Cuba who long for freedom and democracy. We are going to cut the chances for freedom in that country in half, or cut them down to nothing if we pass this amendment.

The fact is we can trade with Cuba any time Castro permits us to. We can

sell them anything that Castro will permit us to sell them. Only one stipulation: Castro has to have a free election.

What is standing in the way of trade with Cuba? One man, a dictatorship based on one personality, one guy who has thrown everybody who has ever opposed him or his system in the clink. We do not want to support that guy either. Oppose this amendment.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I think a better dialogue would be as to how both sides on this issue could come together.

I do not support the amendment. I wish we had a White House that would not walk softly and carry a big stick of candy, and that is either a Republican or a Democrat; that would force the policies that we want. I do not believe a stick of candy to Cuba is the right thing, without a State Department that will stand up for an agreement. And I think the same thing is true with China, and I supported PNTR.

We need an Intel apparatus that will let us know, because there is a national security threat with Cuba. I disagree with the gentleman that said there was not. They are a current threat, even to Guantanamo.

We need to take a look at the food and medicine distribution; make sure that someone like a Red Cross or an international group would distribute that instead of giving it to Castro and letting him sell it for money and power.

□ 2100

Those are the kind of things that could draw us together instead of just blasting each other on each side of this issue.

Mr. MENENDEZ. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. BLUNT), the chief deputy whip.

Mr. BLUNT. Mr. Chairman, I thank the gentleman for yielding me the time.

I would like to start by saying I have no better friend in the House than my friend, the gentleman from Kansas (Mr. MORAN). But I think this amendment is ill conceived. It can produce unknown results. We do not change the law, but we do not provide any funds to enforce the law.

As the gentleman from California (Mr. MENENDEZ) pointed out earlier, the whole sanctioning process, the whole way to get an ability to work around the sanctions is not available if we cannot enforce the law. It confuses the question of whether or not U.S. credit can be available to Cuba if we cannot enforce the sanction law; does that mean Cuba has access to U.S. Government programs.

On our side of the aisle, we have had good-faith negotiations to try to come up with a position that we were comfortable with where both sides gave, where we would in fact deal with the fact that Cuba is handled differently in the law than other countries and clarify that in a way that helps American farmers but does not help Castro.

I think this amendment confuses that. I urge my colleagues to vote against it.

Mr. MENENDEZ. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Kansas (Mr. MORAN).

This amendment, like others being offered on this legislation, seeks to prohibit funds from being used to enforce U.S. law. This makes no sense. Congress makes our nation's laws and we appropriate funds so these laws may be enforced. We are a nation of laws. That is what makes our country different from Cuba. That is what makes us strong. Congress should not adopt measures that encourage people to break our laws. This is a wrong signal to send.

This amendment could open up the taxpayers pockets to underwrite the Castro regime. Federal Government financing for exports to Cuba could flow to a bankrupt regime that sponsors terrorism. Accordingly, I urge my colleagues to join in opposing the amendment offered by the gentleman from Kansas, Mr. MORAN.

Mr. MENENDEZ. Mr. Chairman, I yield myself such time as I may consume to simply say, why does Castro have enough food for all the tourists that come to Cuba but not enough food for the people of Cuba. Why is it he has medicines that he can export from Cuba, Meningitis B vaccines and others, but he does not have enough for the people of Cuba? And is the food for the tourists, or is it for the people of Cuba?

Mr. Chairman, I yield the balance of the time to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Chairman, to those who support the dictatorship, I am not addressing these words but, rather, to those who think that American business is being somehow left out of Cuba at this point by not dealing with the dictatorship.

The Cuban people, since this Congress 100 years ago, stood alone in the world after the Cubans had been fighting for 100 years for independence with the Cuban people, ever since then they have had great respect and admiration for the American people, including for American business.

Those who want to go in now and do business with the apartheid economic system and the dictatorship are, in effect, seeking to lose the good will that American business will have in the future in a democratic future if they now go in and become tainted like the Europeans and others who are participating in creating and helping to prop up the apartheid economy.

So for business sense, not for those who idealogically support the dictatorship, I am not talking to them. For those who think that American business is losing out, no, keep the good will, stand on the side of the Cuban people and against the oppressor of the Cuban people; and that will be, for those who are so interested in business, good business in the future.

Defeat this amendment. Defeat this amendment that is defeating the good will of the American people and would defeat the good will of the American business community in the future democratic Cuba.

Mr. MORAN of Kansas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this has been a difficult amendment for me to offer. The opponents to my amendment feel very strongly in opposition to this amendment, and it raises emotional chords within them as well as all of us.

I would tell my colleagues that I feel very strongly about the importance of this amendment and would not be on the House floor today trying to stress to my colleagues why it matters.

I have been in this Congress for 4 years. Not one step of progress has been made toward sanction relief and reform that we have been promising our farmers in Kansas and across the country since I have been a Member of this Congress.

How long do we have to wait before we can determine the will of this body on the issue of sanctions in regard to Cuba and other countries?

Let me reiterate, this amendment deals only with Cuba. Let me reiterate, it is a different amendment than the gentleman from New York (Mr. RANGEL) offered, which opens all trading opportunities from the United States. This is limited solely to food and medicine, agricultural products.

It matters to agriculture, to farmers and ranchers, who are trying to eke out a living today in this country. But it is more than just about economics. It is about our ability to export our products, our ideas.

I am a firm believer, as I was in the debate on dealing with China, that personal freedom follows economic freedom; and when people around the world see our market system, the glimmer of hope for personal freedom is enhanced, not diminished.

It is time for us to end a failed policy that improves not only our own economic livelihoods but provides an opportunity for freedom to be increased, not diminished.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mr. MORAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. STENHOLM. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 560, further proceedings on the amendment offered by the gentleman from Kansas (Mr. MORAN) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 8 OFFERED BY MR. HOSTETTLER

Mr. HOSTETTLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. HOSTETTLER:

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ____. None of the funds made available in this Act may be used to enforce, implement, or administer the provisions of the settlement document dated March 17, 2000, between Smith & Wesson and the Department of the Treasury (among other parties).

The CHAIRMAN. Pursuant to the order of the House of today, the gentleman from Indiana (Mr. HOSTETTLER) and the gentlewoman from New York (Mrs. MCCARTHY) will each control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. HOSTETTLER).

(Mr. HOSTETTLER asked and was given permission to revise and extend his remarks.)

Mr. HOSTETTLER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, today I rise to offer an amendment that would prohibit the Department of Treasury and specifically the Bureau of Alcohol, Tobacco and Firearms, or BATF, from using taxpayer dollars to enforce the provisions of a settlement agreement between Smith & Wesson, the Treasury Department and the Department of Housing and Urban Development.

Mr. Chairman, this is not a new amendment, but it is new circumstances in which I offer it given the fact that the agreement constitutes the 22 pages of legislation that was never considered in these Chambers nor passed by Congress and includes new duties for the BATF.

Now the BATF will no longer just enforce Federal laws; they will now enforced a private civil agreement. This greatly expands the BATF's scope of power without Congress's approval.

Failure to pass this amendment will allow the executive branch to continue to coerce legal industries, in this particular case the gun industry, to enter into these agreements whenever they feel they cannot get their agenda through Congress.

Mr. Chairman, I reserve the balance of my time.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, last month my colleague, the gentleman from Indiana (Mr. HOSTETTLER), attempted to turn back the clock on gun safety. He failed twice and the House bipartisanly rejected his amendments. Well, it is time to defeat this amendment again.

The bill has changed, but the amendment is the same. Instead of the Department of Justice or HUD, the gentleman from Indiana (Mr. HOSTETTLER) tries to prevent the Department of Treasury from spending any money related to the HUD-Smith & Wesson agreement.

More than 500 communities across the Nation from Los Angeles to Long Island, New York, have endorsed this agreement. Secretary Cuomo and more than 10 of the Nation's mayors successfully negotiated the agreement with gun manufacturer Smith & Wesson in March. This agreement is making our communities safer, and we should allow it to continue without congressional tampering.

Mr. Chairman, the Committee on Appropriations has agreed to hire 600 ATF agents and fund DNA ballistics technology that will assist law enforcement in arresting criminals. My ENFORCE bill authorizes the same programs.

The funding levels of this bill are a victory for gun enforcement. It is the first time gun safety and pro-gun Members have decided to give law enforcement the tools necessary to enforce existing gun laws. Now we all agree gun enforcement equals more ATF agents and funding for ballistic technology.

While the bill's funding level also increases gun enforcement, the Hostettler amendment cuts gun enforcement. It says that the ATF cannot enforce the Smith & Wesson agreement.

Here is a quote from the mayor of Bloomington, Indiana. Mayor John Fernandez calls these efforts a ''direct attempt to preempt our ability,'' their ability, the mayors, ''to build these kinds of successful efforts in partnership with the Federal Government, partnerships that will save lives in our cities and help make our communities safer.''

Here is a quote from Police Chief Trevor Hampton of Flint, Michigan: ''The gun manufacturers, like Smith & Wesson, can help police departments do their jobs by adjusting the guns they produce. For example, by putting a second hidden serial number in the inside of every gun they make.''

This only helps our police officers track those guns.

We constantly hear that Congress should not meddle in the affairs of our cities and our counties. The Hostettler amendment is meddling. It says local communities cannot work with the Federal Government to reduce gun violence. This amendment says the Department of Treasury should not keep their word. It says it is trivial that 12 children are killed every day by gun violence.

The Department of Treasury reached an agreement with Smith & Wesson, and Congress should honor that agreement.

I urge all Members, Republicans and Democrats, to again defeat this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HOSTETTLER. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, first I want to thank the gentleman from Indiana (Mr. HOSTETTLER) for his efforts on behalf of the second amendment. He has taken the time to analyze this 24-page Smith & Wesson agreement and to understand its ramifications.

Many may think this applies only to Smith & Wesson, the Department of Treasury, HUD, and the localities that signed it. Not so. This has a direct and significant impact on individuals.

For example, a widow living alone who wanted to buy a firearm to protect herself in her own home goes to a gun store and, under this agreement, can she get a firearm? No, she cannot, unless she has taken a government-approved course or passed a government-approved test.

What if she wanted to buy something besides a Smith & Wesson, a Colt, a Berenger, or some other brand? No, she cannot get it under this agreement.

I urge my colleagues to read this agreement. We want our second amendment right preserved. I ask my colleagues to stand up for their right to defend themselves, their right to own a firearm, and vote for the Hostettler amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL of Massachusetts. Mr. Chairman, I thank the gentlewoman for yielding me the time.

Mr. Chairman, what the gentleman from Indiana (Mr. HOSTETTLER) has continued to do here in each and every appropriations bill is to undo a freely negotiated settlement between the Department of HUD and Smith & Wesson.

Smith & Wesson is synonymous with not only gun safety over the years but, just as importantly, an excellent reputation for community service. And also it is a major employer in my district.

What troubles me about this is that we always hear these complaints about the intrusive nature of the Federal Government. This agreement was not forced upon Smith & Wesson. They voluntarily entered into this agreement. Overwhelmingly, the American people agree with the negotiated settlement.

It is sensible and visionary public policy.

The continued effort here to resist this negotiated settlement is what is intrusive. This interference that has come now on three appropriations bills is what is intrusive. It is a mistake to proceed in this manner. We should allow this agreement to stand as it is, and we ought to honor it.

Mr. HOSTETTLER. Mr. Chairman, I yield myself 1½ minutes to respond to some of the comments made earlier.

Mr. Chairman, I once again want to reiterate the fact that the gentlewoman from New York (Mrs. MCCARTHY) said that this amendment is going to stop cities and Smith & Wesson from continuing in this agreement. This amendment does not.

This amendment merely stops the Federal Government from intruding in this situation from being a part of this agreement. So if Smith & Wesson and the cities and towns that are involved in this want to collude to compromise the safety of their men and women in uniform, they are free to do that.

Secondly, I would like to say that the gentleman said that this was an agreement that was freely entered into. It is not. This kind of Congress that makes the laws that the BATF is supposed to enforce never entered into this agreement. The people's House did not speak. This agreement was made between a private company, and the Congress said nothing.

□ 2115

But the gentleman from Massachusetts said now we are interfering. Now the Congress of the United States is interfering in legislation that was crafted by the executive branch and Smith & Wesson. Well, pardon us for interfering in the legislative process, but that is what we are here to do.

According to article 1, section 1 of the Constitution, all legislative power shall be vested in a Congress, not the lawyers at HUD, not the lawyers at Treasury and not the lawyers with Smith & Wesson. It is our prerogative to create policy as the Congress of the United States and not these entities that we have mentioned before.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield the balance of my time to the gentlewoman from California (Mrs. TAUSCHER).

Mrs. TAUSCHER. Mr. Chairman, well, here they go again. Today, the gun lobby and their congressional friends are again trying to hijack the will of the American people.

Since the Smith & Wesson deal was announced, over 500 police departments and community leaders have pledged to buy only firearms that meet at least minimal safety standards, standards much like the ones included in this deal.

For some inexplicable reason, gun safety threatens some of my colleagues in this Chamber. Instead of obstructing responsible gun manufacturing as this amendment would do, we should be encouraging it. As parents and legislators, our job should be to promote responsibility, ensure safety and educate the American people when it comes to owning, selling and manufacturing firearms. It is certainly not our job to get in the way of responsible Americans who want responsible gun safety standards.

Mr. Chairman, it is time for children to once again feel safe in our schools and our neighborhoods. And it is time for this Congress to once again defeat this reckless amendment.

Mr. HOSTETTLER. Mr. Chairman, I yield myself the balance of my time.

In closing, I just want to remind my colleagues that this issue is not an issue about gun safety. You do not need a 24-page agreement crafted by lawyers at HUD, BATF and Smith & Wesson to create an agreement considering gun locks, trigger locks and new modes of creating pistols that make those handguns more safe.

This is an argument of gun control and our second amendment rights and should we allow the Federal Government to bypass the legislative process to create more gun control and deprive us of our second amendment rights.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise in strong opposition to the amendment.

I am outraged at this attempt by Congressional Republicans to prohibit gun safety agreements . . . not gun control agreements but gun safety agreements.

The Republican leadership has done everything in its power to prevent common sense handgun reforms from becoming law.

They blocked attempts to pass child safety locks and close the gun show loophole.

They ignore efforts to pass consumer product regulations for handguns, licensing of gun owners and registration of firearms.

Now they come to the floor with this amendment that frustrates agreements reached voluntarily by the private sector.

This amendment is pure and simple evidence that the Republican leadership is against gun safety because this amendment is about gun safety, not gun control.

How can the party that so loudly praises smaller government and greater freedoms for the private sector . . . be afraid of an individual manufacturer deciding to apply smart gun technology and safety locks, and to stop straw purchases by shady gun dealers?

Instead of this Congress answering the call, we have forced the private sector to take up the cry of our children, our families and one million mothers.

We should be ashamed that it has come to this.

We should be ashamed of our own inability to pass legislation.

We should be ashamed that we have been incapacitated for two years on this issue.

But now that this Smith and Wesson agreement has been reached, the least this Congress can do is get out of the way.

I urge all my colleagues to vote for gun safety and defeat the Hostettler amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HOSTETTLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 560, further proceedings on the amendment offered by the gentleman from Indiana (Mr. HOSTETTLER) will be postponed.

AMENDMENT NO. 15 OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. SANFORD:

At the end of the bill, insert after the last section (preceding the short title) the following:

SEC. ____. None of the funds made available in this Act may be used for travel on a trip with the President by more than 120 individuals employed in the Executive Office of the President, excluding Secret Service personnel.

The CHAIRMAN. Pursuant to the order of the House today, the gentleman from South Carolina (Mr. SANFORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I yield myself such time as I may consume.

I would make the point that I plan to withdraw this amendment, but prior to doing so would simply mention to the chairman of the subcommittee that what this amendment would have gotten at is an issue of imperial travel.

I think that within the executive branch, we have moved to a whole different stage on travel. I think it needs to be addressed and much more closely looked at than is now the case.

I say that because Nixon's official trip to China consisted of 34 Members from the executive branch to China. If you look at Reagan's trip to Iceland with Gorbachev, it was 40 members of the executive branch. Forty-seven members on the G–7 summit in Italy.

In contrast, I see here these recent trips are just plain bizarre. There were 1,300 folks that went with the current President to Africa. There were 592 people to Chile. There were 510 people to China. I think that we really have moved on to a stage of imperial travel, and I would just ask the chairman of the subcommittee to closely look and monitor, whether it is George Bush or whether it is AL GORE that is President, that we begin to look and try to do something about the size and scale of executive branch travel.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment is withdrawn.

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 560, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: the amendment by the gentleman from Louisiana (Mr. VITTER); the amendment by the gentlewoman from Connecticut (Ms. DELAURO); the amendment by the gentleman from Virginia (Mr. DAVIS); the amendment by the gentleman from New York (Mr. RANGEL); amendment No. 14 by the gentleman from South Carolina (Mr. SANFORD); the amendment by the gentleman from Kansas (Mr. MORAN); amendment No. 8 by the gentleman from Indiana (Mr. HOSTETTLER).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. VITTER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. VITTER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 284, noes 134, not voting 16, as follows:

[Roll No. 421]

AYES—284

Abercrombie
Ackerman
Aderholt
Armey
Bachus
Baird
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bishop
Blagojevich
Bliley
Boehner
Bono
Boswell
Brown (FL)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Chabot
Chambliss
Clayton
Coble
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Deal
DeGette
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hoekstra
Holden
Holt
Hooley
Hostettler
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Kleczka
Kuykendall
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Mink
Moore
Moran (KS)
Napolitano
Nethercutt
Ney
Northup
Norwood
Ortiz
Ose
Oxley
Pallone
Pastor
Pease
Pelosi
Petri
Pickering
Pitts
Pombo
Pomeroy
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (PA)
Weygand
Whitfield
Wicker
Wilson
Wise
Wu
Young (AK)

NOES—134

Allen
Andrews
Archer
Baldacci
Baldwin
Barcia
Bateman
Becerra
Bilirakis
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Capuano
Cardin
Carson
Castle
Chenoweth-Hage
Clement
Clyburn
Conyers
Coyne
Davis (IL)
Davis (VA)
DeFazio
DeLauro
Deutsch
Dingell
Ehlers
English
Fattah
Frank (MA)
Frelinghuysen
Gilman
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hobson
Hoeffel
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Manzullo
Markey
Matsui
McCarthy (MO)
McGovern
Meek (FL)
Miller (FL)
Miller, George
Minge
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nussle
Oberstar
Obey
Olver
Owens
Packard
Pascrell
Paul
Payne
Peterson (MN)
Peterson (PA)
Phelps
Pickett
Porter
Portman
Rangel
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schakowsky
Sherman
Simpson
Sisisky
Skeen
Slaughter
Stark
Strickland
Stupak
Taylor (NC)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Visclosky
Waxman
Weldon (FL)
Wexler
Wolf
Woolsey
Wynn
Young (FL)

NOT VOTING—16

Baca
Barton
Berman
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
McInnis
McIntosh
Roemer
Sanchez
Smith (WA)
Vento
Weller

□ 2145

Messrs. GEORGE MILLER of California, WELDON of Florida, DAVIS of Virginia, KENNEDY of Rhode Island, ARCHER, and MANZULLO changed their vote from ''aye'' to ''no.''

Messrs. MCDERMOTT, GEJDENSON, MARTINEZ, TRAFICANT, LUTHER, HOLDEN, SHAW, SPRATT, MCNULTY, SNYDER, CUMMINGS, DIXON, GILCHREST, HOLT, WATT of North Carolina, LEWIS of California, PRICE of North Carolina, MEEKS of New York, Ms. BROWN of Florida, Ms. VELAZQUEZ, Mrs. TAUSCHER, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Ms. MCKINNEY, Mrs. EMERSON and Mrs. CLAYTON changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 2145

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 560, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MS. DE LAURO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Connecticut (Ms. DELAURO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 230, not voting 20, as follows:

[Roll No. 422]

AYES—184

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci

Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bonilla
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Capps
Capuano
Cardin
Carson
Castle
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dixon
Doggett
Dooley
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kuykendall
Lantos
Larson
Lazio
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter
Snyder
Spratt
Stabenow
Stark
Strickland
Sweeney
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

NOES—230

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonior
Bono
Borski
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Crane
Crowley
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kildee
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Quinn
Radanovich
Rahall
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—20

Baca
Barton
Berman
Brown (OH)
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
Kaptur
Matsui
McInnis
McIntosh
Roemer
Rush
Sanchez
Smith (WA)
Vento
Weller

□ 2152

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DAVIS OF VIRGINIA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. DAVIS) 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 228, noes 190, not voting 16, as follows:

[Roll No. 423]

AYES—228

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOES—190

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel

Holden
Holt
Hooley
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shimkus
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Snyder
Stabenow
Stark
Strickland
Stupak
Sweeney
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—16

Baca
Barton
Berman
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
McInnis
McIntosh
Roemer
Sanchez
Smith (WA)
Vento
Weller

□ 2200

Mr. CROWLEY changed his vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. RANGEL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. RANGEL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 241, not voting 19, as follows:

[Roll No. 424]

AYES—174

Abercrombie
Allen
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berry
Biggert
Bishop
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boucher
Brown (OH)
Capps
Capuano
Carson
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
English
Eshoo
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Ganske
Gejdenson
Gonzalez
Hall (OH)
Hastings (FL)
Herger
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Lewis (GA)
Linder
Lofgren
Lowey
Luther
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Nussle
Oberstar
Obey
Olver
Owens
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Ramstad
Rangel
Rivers
Rodriguez
Roybal-Allard
Rush
Ryan (WI)
Sabo
Salmon
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sessions
Shays
Shimkus
Shows
Slaughter
Snyder
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Weygand
Wise
Woolsey
Wynn

NOES—241

Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berkley
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehner
Bonilla
Borski
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Cook
Cox
Crane
Crowley
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kennedy
Kildee
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
Lazio
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stabenow
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Traficant
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—19

Baca
Barton
Berman
Brown (FL)
Burton
Campbell
Cannon
Clay
Cooksey
Delahunt
Hayworth
John
McInnis
McIntosh
Roemer
Sanchez
Smith (WA)
Vento
Weller

□ 2207

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. JOHN. Mr. Chairman, on rollcall No. 424, I was unavoidably detained and missed rollcall vote 424. Had I been present, I would have voted ''aye.''

Ms. BROWN of Florida. Mr. Chairman, I was unavoidably detained and missed rollcall vote No. 424 on the Rangel amendment.

Had I been here, I would have voted ''aye.''

AMENDMENT NO. 14 OFFERED BY MR. SANFORD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 14 offered by the gentleman from South Carolina (Mr. SANFORD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 232, noes 186, not voting 17, as follows:

[Roll No. 425]

AYES—232

Abercrombie
Aderholt
Allen
Baird
Baldacci
Baldwin
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bishop
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Ford
Frank (MA)
Gallegly
Ganske
Gejdenson
Gilchrest
Gonzalez
Gordon
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Linder
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Nadler
Napolitano
Neal
Ney
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pomeroy
Porter
Price (NC)
Radanovich
Ramstad
Rangel
Rivers
Rodriguez
Roybal-Allard
Rush
Ryan (WI)
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Slaughter
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weygand
Whitfield
Wise
Woolsey
Wu
Wynn

NOES—186

Ackerman
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Bateman
Berkley
Bilirakis
Blagojevich
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Cook
Cox
Crane
Crowley
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Doolittle
Dreier
Duncan
Dunn
Emerson
Engel
Everett
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Hansen
Hastert
Hastings (WA)
Hayes
Hefley
Hill (MT)
Hobson
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kennedy
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
Lazio
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Martinez
McCollum
McCrery
McHugh
McIntyre
McKeon
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Murtha
Myrick
Nethercutt
Northup
Norwood
Ortiz
Ose
Packard
Pallone
Pascrell
Pease
Petri
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Rahall
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun (KS)
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stabenow
Stearns
Stump
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Thomas
Thornberry
Traficant
Vitter
Walden
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Baca
Barton
Berman
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
McInnis
McIntosh
Roemer
Sanchez
Smith (WA)
Spence
Vento
Weller

□ 2215

Mrs. ROUKEMA and Mr. DICKEY changed their vote from ''aye'' to ''no.''

Mr. HILLEARY changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 2220

AMENDMENT OFFERED BY MR. MORAN OF KANSAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. MORAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 301, noes 116, answered ''present'' 2, not voting 16, as follows:

[Roll No. 426]

AYES—301

Abercrombie
Aderholt
Allen
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Calvert
Camp
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crane
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
DeLauro
DeMint
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Ford
Frank (MA)
Frost
Gallegly
Ganske
Gejdenson
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ose
Owens
Oxley
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Rivers
Rodriguez
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (TX)
Snyder
Spratt
Stabenow

Stark
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weygand
Whitfield
Wilson
Wise
Woolsey
Wynn

NOES—116

Ackerman
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Berkley
Bilirakis
Blunt
Bonilla
Brady (TX)
Bryant
Burr
Canady
Cannon
Chabot
Chenoweth-Hage
Cook
Cox
Crowley
Cunningham
Davis (VA)
DeLay
Deutsch
Diaz-Balart
Doolittle
Dreier
Engel
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gekas
Gephardt
Gilman
Goss
Graham
Granger
Green (TX)
Gutierrez
Hastert
Hastings (WA)
Hayes
Hobson
Hunter
Hyde
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kennedy
King (NY)
Kingston
Knollenberg
Kolbe
Lazio
Lewis (CA)
Lipinski
Lucas (KY)
Martinez
McCollum
McKeon
Menendez
Metcalf
Miller (FL)
Miller, Gary
Nethercutt
Northup
Ortiz
Packard
Pallone
Pascrell
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Scarborough
Schaffer
Shadegg
Shaw
Shuster
Skeen
Smith (NJ)
Souder
Spence
Stearns
Tancredo
Tauzin
Taylor (NC)
Traficant
Vitter
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
Wicker
Wolf
Wu
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—2

Boehner
Emerson

NOT VOTING—16

Baca
Barton
Berman
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
McInnis
McIntosh
Roemer
Sanchez
Smith (WA)
Vento
Weller

□ 2223

Mr. GRAHAM changed his vote from ''aye'' to ''no.''

Mr. ADERHOLT changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. HOSTETTLER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment No. 8 offered by the gentleman from Indiana (Mr. HOSTETTLER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 204, noes 214, not voting 16, as follows:

[Roll No. 427]

AYES—204

Aderholt
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Berry
Biggert
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cook
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Dickey
Dingell
Doolittle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Fowler
Gibbons
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kingston
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCrery
McHugh
McIntyre
McKeon
Metcalf
Mica
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Norwood
Nussle
Ortiz
Ose
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Radanovich
Rahall
Regula
Reynolds
Riley
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)

NOES—214

Abercrombie
Ackerman
Allen
Andrews
Archer
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clayton
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gilman
Gonzalez
Goodling
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Slaughter
Smith (NJ)
Snyder
Spratt
Stabenow
Stark
Stupak
Tancredo
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—16

Baca
Barton
Berman
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
McInnis
McIntosh
Roemer
Sanchez
Smith (WA)
Vento
Weller

□ 2231

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read the last two lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Treasury and General Government Appropriations Act, 2001''.

The CHAIRMAN. Are there any further amendments? If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. DREIER, 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. 4871) making appropriations for the Treasury Department, the United States Postal Service, the Executive

Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 560, 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 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.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 202, not voting 17, as follows:

[Roll No. 428]

YEAS—216

Abercrombie
Archer
Armey
Bachus
Baird
Baldacci
Ballenger
Barrett (NE)
Bass
Bateman
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hill (MT)
Hobson
Hoekstra
Holden
Horn
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kelly
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Linder
Lipinski
LoBiondo
Lucas (OK)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCrery
McHugh
McKeon
Meek (FL)
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pascrell
Payne
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Salmon
Saxton
Serrano
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Spence
Stenholm
Stump
Sununu
Sweeney
Talent
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)

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Ackerman
Aderholt
Allen
Andrews
Baker
Baldwin
Barcia
Barr
Barrett (WI)
Bartlett
Becerra
Bentsen
Berkley
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Chabot
Chenoweth-Hage
Clement
Coburn
Condit
Conyers
Cook
Costello
Coyne
Cramer
Crane
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dingell
Duncan
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gekas
Gephardt
Gonzalez
Goode
Goodlatte
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hefley
Herger
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (NC)
Jones (OH)
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lewis (KY)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Moakley
Moore
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Paul
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pomeroy
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Shadegg
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Strickland
Stupak
Tancredo
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Waxman
Weiner
Weldon (FL)
Wexler
Weygand
Wise
Woolsey
Wu

NOT VOTING—17

Baca
Barton
Berman
Burton
Campbell
Clay
Cooksey
Delahunt
Hayworth
McInnis
McIntosh
Roemer
Sanchez
Smith (WA)
Vento
Waters
Weller

□ 2251

Messrs. Gary MILLER of California, CUNNINGHAM, PAYNE, COX, RILEY and EVERETT changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I rise to inquire of the gentleman from California (Mr. DREIER) the schedule for the remainder of the week and next week.

Mr. Speaker, I yield to the gentleman from California (Mr. DREIER) the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my dear friend from Mt. Clemens for yielding to me.

Mr. Speaker, I am pleased to announce that the House has completed its legislative work for the week and am happy to report, and I know it comes as no surprise, that the House will not be in session tomorrow.

The House will next meet on Monday, July 24, at 12:30 p.m. for morning hour debates and 2 o'clock for legislative business. We will consider a number of measures included under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

On Monday, no recorded votes are expected before 6 p.m. On Tuesday, July 25, and the balance of the week, the House will consider the following measures subject to action by the Committee on Rules:

H.J. Res. 99, disapproving the extension of the waiver authority under the Trade Act of 1974 with respect to Vietnam;

District of Columbia Appropriations Act for Fiscal Year 2001; and

H.R. 4865, the Social Security Benefits Tax Relief Act.

We also expect, Mr. Speaker, several motions to go to conference on appropriations bills and plan to consider conference reports next week as they become available.

Mr. BONIOR. Mr. Speaker, reclaiming my time, if I might inquire of the distinguished gentleman a couple of questions.

On Monday are we only considering the suspension bills, or does the gentleman plan to move into other legislation?

Mr. DREIER. Mr. Speaker, if the gentleman will continue to yield, that is the plan right now. But it is possible that there could be a motion to go to conference on the Foreign Operations appropriation bill.

Mr. BONIOR. Mr. Speaker, may I ask the gentleman from California what

day he expects the Social Security tax issue to come up?

Mr. DREIER. Mr. Speaker, it is our anticipation that on Wednesday or Thursday of next week we will most likely consider that.

Mr. BONIOR. Mr. Speaker, I ask the gentleman, how about late nights next week? I know there is the Congressional baseball game on Wednesday and the White House picnic on Thursday.

Mr. DREIER. Mr. Speaker, does the gentleman want me to speak for the full House or the Committee on Rules at this point?

Mr. BONIOR. Mr. Speaker, I ask the gentleman to speak for the Committee on Rules and we will take it as the full House today.

Mr. DREIER. Mr. Speaker, let me just say that we do not anticipate late nights other than a great celebration by Republicans on the victory which we are anticipating Wednesday evening for the baseball game. And, of course, Thursday is the White House picnic, and I know there is going to be a lot of celebrating at that point, as well.

Mr. BONIOR. Mr. Speaker, that leaves Tuesday and Monday. And we do not know on Monday yet.

Mr. DREIER. Mr. Speaker, we hope not to be too late with suspensions. It would simply be that motion to go to conference which we were discussing.

Mr. BONIOR. Mr. Speaker, and Friday, is that definite or might that be up in the air?

Mr. DREIER. Mr. Speaker, again, the issues of appropriation conference reports that we want to complete before the recess. And it is quite possible that the Labor-HHS conference report would be before us at the end of next week and/or the Legislative Branch appropriations conference report.

I know my friend joins us in wanting to get as much as we possibly can accomplished for this ''can do'' Congress of ours.

Mr. BONIOR. Mr. Speaker, I thank my friend from California for his comments.

APPOINTMENT OF CONFEREES ON H.R. 4516, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MOTION TO INSTRUCT CONFEREES OFFERED BY MR. PASTOR

Mr. PASTOR. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. PASTOR moves that the managers on the part of the House at the Conference on the disagreeing votes of the two Houses on the bill H.R. 4516, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001 be instructed to insist on the provisions of the Senate amendment with respect to providing $384,867,000 for the General Accounting Office.

The SPEAKER pro tempore. Under the rule, the gentleman from Arizona (Mr. PASTOR) and the gentleman from North Carolina (Mr. TAYLOR) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona (Mr. PASTOR.)

Mr. PASTOR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion to instruct instructs the conferees to fund the General Accounting Office, which is very important to the work of the Congress, at that amount. I would ask my colleagues to support this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this motion asks the conferees to go along with the Senate amendment on the appropriations level for the General Accounting Office. We have no objection to that and accept the motion.

Mr. Speaker, I yield back the balance of my time.

Mr. PASTOR. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Arizona (Mr. PASTOR).

The motion was agreed to.

A motion to reconsider was laid on the table.

□ 2300

The SPEAKER pro tempore (Mr. PEASE). Without objection, the Chair appoints the following conferees: Messrs. TAYLOR of North Carolina, WAMP, LEWIS of California, Ms. GRANGER, and Messrs. PETERSON of Pennsylvania, YOUNG of Florida, PASTOR, MURTHA, HOYER, and OBEY.

There was no objection.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2001

Mr. SESSIONS. Mr. Speaker, a Dear Colleague letter will be sent to all Members informing them that the Committee on Rules may meet next week to grant a rule for the consideration of the District of Columbia Appropriations Act for the fiscal year 2001.

The Committee on Rules may grant a rule which would require that amendments be preprinted in the CONGRESSIONAL RECORD. In this case, amendments must be preprinted prior to their consideration on the floor.

The Committee on Appropriations ordered the bill reported this afternoon and the Committee on Appropriations expects to file the report on the bill on Tuesday of next week. Copies of the bill as ordered reported can be obtained at the Office of Legislative Counsel and at the Committee on Appropriations office in Room H–218 of the Capitol.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted, and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. SESSIONS. 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 Texas?

There was no objection.

ADJOURNMENT TO MONDAY, JULY 24, 2000

Mr. SESSIONS. 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 Texas?

There was no objection.

DISTRICT OF COLUMBIA'S FISCAL YEAR 2001 BUDGET REQUEST ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106-271)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with section 202(c) of the District of Columbia Financial Management and Responsibility Assistance Act of 1995 and section 446 of the District of Columbia Self-Governmental Reorganization Act as amended in 1989, I am transmitting the District

of Columbia's Fiscal Year 2001 Budget Request Act.

The proposed FY 2001 Budget reflects the major programmatic objectives of the Mayor, the Council of the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority. For FY 2001, the District estimates revenue of $5.718 billion and total expenditures of $5.714 billion, resulting in a budget surplus of $4.128 million.

My transmittal of the District of Columbia's budget, as required by law, does not represent an endorsement of its contents.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *July 20, 2000*.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocation for the House Committee on Appropriations pursuant to House Report 106–729 to reflect $145,000,000 in additional new budget authority and $123,000,000 in additional outlays for the Earned Income Tax Credit. This will change the allocation to the House Committee on Appropriations to $601,353,000,000 in budget authority and $632,435,000,000 in outlays for fiscal year 2001. This will increase the aggregate total to $1,529,558,000,000 in budget authority and $1,501,656,000,000 in outlays for fiscal year 2001.

As reported to the House, H.R. 4871, the bill making fiscal year 2001 appropriations for the Department of the Treasury, the Postal Service, and General Government, includes $145,000,000 in budget authority and $123,000,000 in outlays for the Earned Income Tax Credit.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Dan Kowalski or Jim Bates at 67270.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MCINNIS (at the request of Mr. ARMEY) for today after 6:00 p.m. on account of attending the funeral of a Colorado State Patrolman.

Mr. WELLER (at the request of Mr. ARMEY) for today after 7:00 p.m. on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. BROWN of Florida) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. SESSIONS) to revise and extend their remarks and include extraneous material:)

Mr. KASICH, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2102. An act to provide to the Timbisha Shoshone Tribe a permanent land base within its aboriginal homeland, and for other purposes; to the Committee on Resources.

S. 2712. An act to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes; to the Committee on Government Reform.

S. Con. Res. 57. Concurrent resolution concerning the emancipation of the Iranian Baha'i community; to the Committee on International Relations.

S. Con. Res. 113. Concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma; to the Committee on International Relations.

S. Con. Res. 122. Concurrent resolution recognizing the 60th anniversary of the United States nonrecognition policy of the Soviet takeover of Estonia, Latvia, and Lithuania and calling for positive steps to promote a peaceful and democratic future for the Baltic region; to the Committee on International Relations.

S. Con. Res. 126. Concurrent resolution expressing the sense of Congress that the President should support free and fair elections and respect for democracy in Haiti; to the Committee on International Relations.

ADJOURNMENT

Mr. SWEENEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until Monday, July 24, 2000, 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:

9053. A letter from the Associate Administrator, Livestock and Seed Program, Agricultural Marketing Service, transmitting the Service's final rule—Pork Promotion, Research, and Consumer Information Program: Procedures for the Conduct of Referendum [No. LS–99–14] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9054. A letter from the Associate Administrator, Agricultural Marketing Service, Dairy Programs, Department of Agriculture, transmitting the Department's final rule—Final Rule for Dairy Forward Pricing Pilot Program [Docket No. DA–00–06] received July 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9055. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Increase in Desirable Carryout Used to Compute Trade Demand [Docket No. FV00–989–3 FR] received July 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9056. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Interstate Movement of Certain Land Tortoises [Docket No. 00–016–2] received July 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9057. A letter from the Associate Administrator, AMS, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Decreased Assessment Rate [Docket No. FV00–985–4 FIR] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9058. A letter from the Associate Administrator, AMS, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 1999–2000 Crop Natural (Sun-Dried) Seedless and Zante Currant Raisins [Docket No. FV00–989–4 FIR] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9059. A letter from the Associate Administrator, AMS, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Hazelnuts Grown in Oregon and Washington; Establishment of Interim and Final Free and Restricted Percentages for the 1999–2000 Marketing Year [Docket No. FV00–982–1 FIR] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9060. A letter from the Associate Administrator, AMS, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Onions Grown in Certain Designated Counties in Idaho, and Malheur County, OR; Decreased Assessment Rate [Docket No. FV00–958–1 FR] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9061. A letter from the Director, Office of Regulatory Management and Information, Enviornmental Protection Agency, transmitting the Agency's final rule—Prallethrin [(RS)-2-methyl-4-oxo-3- (2- ropynyl) cyclopent-2-enyl (1RS)-cis, trans-chrysanthemate]; Pesticide Tolerance [OPP–300987; FRL–6499–5] (RIN: 2070–AB78) received June 21, 2000, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Agriculture.

9062. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerance [OPP–301018; FRL–6595–1] (RIN: 2070–AB78) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9063. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pyridaben; Pesticide Tolerance [OPP–301013; FRL–6593–1] (RIN: 2070–AB78) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9064. A letter from the Chief, General and International Law Division, Maritime Administration, Department of Transportation, transmitting the Department's final rule—Appeal Procedures for Determinations Concerning Compliance With Service Obligations, Deferments, and Waivers [Docket No. MARAD–2000–7147] (RIN: 2133–AB41) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

9065. A letter from the Secretary of Defense, transmitting a notice that the reports pursuant to Public Law 106–79 and Public Law 106–65 are forth coming; to the Committee on Armed Services.

9066. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Repurchases of Stock by Recently Convered Savings Associations, Mutual Holding Company Dividend Waivers, Gramm-Leach-Bliley Act Changes [No. 2000–56] (RIN: 1550–AB24) received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9067. A letter from the Assistant General Counsel for Regulations, Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Management Assessment Program (SEMAP); Lifting of Stay of Certain Regualtory Sections [Docket No. FR–3986–N–03] received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9068. A letter from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Amendments to HUD's Mortgagee Review Board and Civil Money Penalty Regulations [Docket No. FR–4308–F–02] (RIN: 2501–AC44) received July 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9069. A letter from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Debarment, Suspension, and Limited Denial of Participation; Clarification of Procedures [Docket No. FR–4505–F–01] (RIN: 2501–AC61) received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9070. A letter from the General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Suspension of Community Eligibility [Docket No. FEMA–7735] received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9071. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Determinations [44 CFR Part 67] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9072. A letter from the General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9073. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9074. A letter from the General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determination—received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9075. A letter from the General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9076. A letter from the General Counsel, Office of the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7324] received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

9077. A letter from the Assistant Secretary of Labor, OSHA, Department of Labor, transmitting the Department's final rule—Longshoring, Marine Terminals, and Gear Certification [Docket No. S–025] (RIN: 1218–AA56) received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

9078. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule-DOE Standard: Design Criteria Standard For Electronic Records Management Software Applications [DOE–STD–4001–2000] received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9079. A letter from the Assistant General Counsel for Regulatory Law, Office of Enviornment, Safety and Health, Department of Energy, transmitting the Department's final rule—DOE Standard: Nuclear Explosive Safety Study Process [DOE-STD–3015–97] received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9080. A letter from the Deputy Executive Secretary, Department of Health and Human Services, transmitting the Department's final rule—Standards of Compliance for Abortion-Related Services in Family Planning Services Projects (RIN: 0940–AA00) received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9081. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Code of Federal Regulations; Technical Amendments [Docket No. 00N–1361] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9082. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Court Decisions, ANDA Approvals, and 180–Day Exclusivity [Docket No. 85N–0214] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9083. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Effective Date of Requirement for Premarket Approval for a Class III Preamendments Obstetrical and Gynecological Device [Docket No. 95N–0084] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9084. A letter from the Director, Office of Regulatory Management and Information, Enviornmental Protection Agency, transmitting the Agency's final rule—Additional Flexibility Amendments to Vehicle Inspection Maintenance Program Requirements; Amendment to the Final Rule [FRL–6735–1] (RIN: 2060–AI61) received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9085. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, El Dorado County Air Pollution Control District and Kern County Air Pollution Control District [CA 083–0243; FRL–6733–7] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9086. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [CA 184–0245a; FRL–6734–5] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9087. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of California [CA 026–CORR; FRL–6733–5] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9088. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Department's final rule—Approval and Promulgation of Implementation Plans; Texas; Permitting of New and Modified Sources in Nonattainment Areas [TX–100–7390a; FRL–6735–3] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9089. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Kansas [Region 7 Tracking No. 107–1107; FRL–6720–8] received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9090. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—NESHAPS: Final Standards for Hazardous Air Pollutants for Hazardous Waste Combustors (RIN:

2050–AE01) received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9091. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Phosphoric Acid; Community Right-to-Know Toxic Chemical Release Reporting [OPPTS–400056B; FRL–6591–5] (RIN: 2070–AC00) received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9092. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Georgia Update to Materials Incorporated by Reference [GA200020; FRL–6720–4] received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9093. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Preliminary Assessment Information Reporting; Addition of Certain Chemicals [OPPTS–82054; FRL–6589–1] (RIN: 2070–AB08) received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9094. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Primary Drinking Water Regulations: Public Notification Rule [FRL–6726–1] (RIN: 2040–AD06) received June 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9095. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [OPPTS–00265; FRL–6067–7] received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9096. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Vinclozolin; Pesticide Tolerances [OPP–301015; FRL–6594–9] (RIN: 2070–AB78) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9097. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Indiana [IN105–1a; FRL–6720–2] received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9098. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulation of Implementation Plans: Oregon [OR82–7297a; FRL–6714–7] received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9099. A letter from the Director, Office of Regulatory Mangement and Information, Environmental Protection Agency, transmitting the Agency's final rule—Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or Superfund, Section 311(b)(9)(A), CERCLA Section 311(b)(3) ''Announcement of Competition for EPA's Brownfields Job Training and Development Demonstration Pilots'' [FRL–6837–1] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9100. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Crystal Falls and Republic, Michigan) [MM Docket No. 98–128, RM–9308, RM–9385] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9101. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Sulphur Bluff, Texas) [MM Docket No. 99–287; RM–9712] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9102. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Holbrook, Arizonia) [MM Docket No. 99–351; RM–9785] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9103. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Mojave, California) [MM Docket No. 99–353; RM–9787] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9104. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Hemet, California) [MM Docket No. 99–349; RM–9766] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9105. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Tallulah, Louisiana) [MM Docket No. 99–348; RM–9765] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9106. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202 (b), Table of Allotments, FM Broadcast Stations. (Simmesport, Louisiana) [MM Docket No. 99–350; RM–9769] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9107. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations, (Reno, Nevada) [MM Docket No. 99–291; RM–9665] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9108. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, Digital Television Broadcast Stations (Las Vegas, Nevada) [MM Docket No. 99–252; RM–9648] received July 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9109. A letter from the Director, Regulations Policy and Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 99F–1456] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9110. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to 50 U.S.C. 1541; (H. Doc. No. 106–270); to the Committee on International Relations and ordered to be printed.

9111. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Forces's Proposed Letter(s) of Offer and Acceptance (LOA) to Saudi Arabia for defense articles and services (Transmittal No. 00–58), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9112. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 00–59), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9113. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 00–56), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9114. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Kuwait for defense articles and services (Transmittal No. 00–57), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9115. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 00–60), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9116. A letter from the Acting Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule—Foreign Assets Control Regulations—received June 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9117. A letter from the Acting Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule—Blocked Persons, Specially Designated Nationals, Specially Designated Terrorists, Foreign Terrorist Organizations, and Specially Designated Narcotics Traffickers; Addition of Persons Blocked Pursuant to 31 CFR Part 538, 31 CFR Part 597, or Executive Order 13129 [31 CFR Chapter V] received June 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9118. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Parties to a Transaction and their Responsibilities, Routed Export Transactions, Shipper's Export Declarations, the Automated Export System (AES), and Export Clearance [Docket No. 990709186–0128–02]

(RIN: 0694–AB88) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9119. A letter from the Assistant Secretary for Export Administration, Bureau of Export Administration, Department of Commerce, transmitting the Department's final rule—Expansion of License exception CIV Eligibility for ''Microprocessors'' Controlled by ECCN 3A001 and Graphics Accelerators Controlled by ECCN 4A003 [Docket No. 990701179–0167–03] (RIN: 0694–AB90) received June 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9120. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Export Administration Regulations: Implementation of the Wassenaar Arrangement List of Dual-Use Items: Revisions to Categories 1, 2, 3, 4, 5, 6 and 9 of the Commerce Control List [Docket No. 000616178–0178–01] (RIN: 0694–AC19) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9121. A letter from the Executive Director, Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9122. A letter from the Director, U.S. Census Bureau, Department of Commerce, transmitting the Department's final rule—Foreign Trade Statistics Regulations: Amendment to Clarify Exporter (U.S. Principal Party in Interest) and Forwarding or Other Agent Responsibilities in Preparing the Shipper's Export Declaration or Filing Export Information Electronically Using the Automated Export System and Related Provisions [Docket No. 980716180–0030–03] (RIN: 0607–AA20) received July 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9123. A letter from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule—Rules and Regulations for the Allocation of Fiduciary Responsibility, Federal Retirement Thrift Investment Board; (RIN: 1210–AA79) received July 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9124. A letter from the Deputy Archivist, Policy and Planning Staff, National Archives and Records and Administration, transmitting the Administration's final rule—John F. Kennedy Assassination Records Collection Rules (RIN: 3095–AB00) received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9125. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—Location of NARA Facilities and Hours of Use (RIN: 3095–AA98) received June 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9126. A letter from the Director, WCPS/OCA/SWSD, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of the Lebanon, PA, Nonappropriated Fund Wage Area (RIN: 3206–AJ01) received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9127. A letter from the Director, WCPS/OCA/SWSD, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of the Franklin, PA, Nonappropriated Fund Wage Area (RIN: 3206–AJ00) received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9128. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Payments During Evacuation (RIN: 3206–AI78) received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9129. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Appointments of Persons with Psychiatric Disabilities (RIN: 3206–AI94) received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

9130. A letter from the Vice-Chairman, Federal Election Commission, transmitting the Commission's final rule—Election Cycle Reporting By Authorized Committees [Notice 2000–15] received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

9131. A letter from the Assistant Secretary for Fish and Wildlife Parks, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Importation or Shipment of Injurious Wildlife: Zebra Mussel (Dreissena polymorpha) (RIN: 1018–AF88) received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9132. A letter from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting the Department's final rule—Alaska Native Veterans Allotments [WO–350–1410–00–24–1A] (RIN: 1004–AD34) received June 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9133. A letter from the Assistant Secretary, Policy, Management and Budget, Department of the Interior, transmitting the Department's final rule—Administrative and Audit Requirements and Cost Principles for Assistance Programs (RIN: 1090–AA67) received June 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9134. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Shrimp Fishery of the Gulf of Mexico; Texas Closure [I.D. 050500G] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9135. A letter from the Deputy Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Catch Specifications [Docket No. 000503121–0189–02; I.D. 030600A] (RIN: 0648–AN07) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9136. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Rockfish and Pacific Ocean Perch in the Central and Eastern Regulatory Areas of the Gulf of Alaska [Docket No. 991228352–0012–02; I.D. 062100A] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9137. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments [Docket No. 991223347–9347; I.D. 042600B] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9138. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid [Docket No. 991228354–0078–02; I.D. 062300C] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9139. A letter from the Assistant Administrator for Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule—Fisheries Off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; Northwestern Hawaiian Islands Lobster Fishery; Closure of the Year 2000 Fishery [Docket No. 000619185–0185–01; I.D. 042400H] (RIN: 0648–A006) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9140. A letter from the Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery, Framework Adjustment 13; Northeast Multispecies Fishery, Framework Adjustment 34 [Docket No. 000531162–0162–01; I.D. 042800B] (RIN: 0648–AN49) received July 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9141. A letter from the Chief, Office of Marine Mammal Conservation Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Regulations Governing the Taking and Importing of Marine Mammals; Endangered and Threatened Fish and Wildlife; Cook Inlet Beluga Whales [Docket No. 0006313174–0174–01; I.D. 032399A] (RIN: 0648–XA53) received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9142. A letter from the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting the Department's final rule—Jurisdictional Change for the Los Angeles and San Francisco Asylum Offices [INS. No. 1949–98] (RIN: 1115–AF18) received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9143. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Labor Certification and Petition Process for the Temporary Employment of Nonimmigrant Aliens in Agriculture in the United States; Delegation of Authority to Adjudicate Petitions (RIN: 1205–AB23) received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

9144. A letter from the Surface Transportation Board, Department of Transportation, transmitting the Department's final rule—Modification of the Carload Waybill Sample and Public Use File Regulations [STB Ex Parte No. 385 (Sub-No. 4)], pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9145. A letter from the FHWA Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting the Department's final rule—

Federal Motor Carrier Safety Regulations; Technical Amendments (RIN: 2126–AA45) received June 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9146. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace, Freeport, TX [Airspace Docket No. 2000–ASW–11] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9147. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; McPherson, KS [Airspace Docket No. 00–ACE–17] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9148. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Walnut Ridge, AR [Airspace Docket No. 2000–ASW–14] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9149. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Hugoton, KS [Airspace Docket No. 00–ACE–18] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9150. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Albion, NE [Airspace Docket No. 99–ACE–30] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9151. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Oelwein, IA [Airspace Docket No. 00–ACE–12] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9152. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Fairfield, IA [Airspace Docket No. 00–ACE–13] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9153. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Barrow, AK [Airspace Docket No. 00–AAL–1] received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9154. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–8 Series Airplanes [Docket No. 99–NM–338–AD; Amendment 39–11809; AD 2000–09–01 R1] (RIN: 2120–AA64) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9155. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 99–NM–368–AD; Amendment 39–11808; AD 2000–13–09] (RIN: 2120–AA64) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9156. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 99–NM–196–AD; Amendment 39–11806; AD 2000–13–07] (RIN: 2120–AA64) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9157. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Allison Engine Company, Inc. AE 3007A and AE 3007C Series Turbofan Engines [Docket No. 99–NE–15–AD; Amendment 39–11800; AD 2000–13–01] (RIN: 2120–AA64) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9158. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company Models CF6–80C2A1/A2/A3/A5/A5F/A8/D1F Turbofan Engines [Docket No. 99–NE–45–AD; Amendment 39–11786; AD 2000–12–08] (RIN: 2120–AA64) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9159. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc. RB211 Trent 768–60, Trent 772–60, and Trent 772B–60 Turbofan Engines [Docket No. 2000–NE–05–AD; Amendment 39–11804; AD 2000–13–05–AD] (RIN: 2120–AA64) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9160. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech 17, 18, 19, 23, 24, 33, 35, 36/A36, A36TC/B36TC, 45, 50, 55, 56, 58, 58P, 58TC, 60, 65, 70, 76, 77, 80, 88, and 95 Series Airplanes [Docket No. 98–CE–61–AD; Amendment 39–11061; AD 99–05–13] (RIN: 2120–AA64) received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9161. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule—Joint Statement of Agency Policy Concerning Shared Use of the Tracks of the General Railroad System by Conventional Railroads and Light Rail Transit Systems [FRA Docket No. FRA–1999–5685, Notice No. 6] (RIN: 2130–AB33) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9162. A letter from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting the Department's final rule—Statement of Agency Policy Concerning Jurisdiction over the Safety of Railroad Passenger Operations and Waivers Related to Shared Use of the Tracks of the General Railroad System by Light Rail and Conventional Equipment [FRA Docket No. FRA–1999–5685, Notice No. 7] (RIN: 2130–AB33) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9163. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–600, –700, and –800 Series Airplanes [Docket No. 2000–NM–209–AD; Amendment 39–11811; AD 2000–14–02] (RIN: 2120–AA64) received July 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9164. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Oakley, KS [Airspace Docket No. 00–ACE–20] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9165. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Transportation Equipment Cleaning Point Source Category (RIN: 2040–AB98) received June 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9166. A letter from the Acting Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Security Requirements for Unclassified Information Technology Resources—received July 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9167. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Miscellaneous Administrative Revisions to the NASA FAR Supplement—received June 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

9168. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Export Certificates for Sugar-Containing Products Subject to Tariff-Rate Quota (RIN: 1515–AC55) received July 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9169. A letter from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting the Department's final rule—Country of Origin Marking Rules for Textiles and Textile Products Advanced in Value, Improved in Condition, or Assembled Abroad [T.D. 00–44] received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9170. A letter from the Deputy Executive Secretary, Administration for Children and Families, Department of Health and Human Services, transmitting the Department's final rule—Methodology for Determining Whether an Increase in a State or Territory's Child Poverty Rate is the Result of the TANF Program (RIN: 0970–AB65) received July 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9171. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance on Section 403(b) Plans [Revenue Ruling 2000–35] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9172. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Modification of Rev. Proc. 99–18 (Sections 1001 and 1275) [Revenue

Procedure 2000–29] received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9173. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Guidance Regarding Claims for Certain Income Tax Convention Benefits [TD 8889] (RIN: 1545–AV10) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9174. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definition of Grantor [TD 8890] (RIN: 1545–AX25) received July 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9175. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—1999 Differential Earnings Rate [Rev. Rul. 2000–37] received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9176. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—TeleFile Voice Signature Test [TD 8892] (RIN: 1545–AR97) received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9177. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Retention of Income Tax Return Preparers' Signatures [TD 8893] (RIN: 1545–AW52) received July 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9178. A letter from the Assistant U.S. Trade Representative for WTO and Multilaterial Affairs, Office of the United States Trade Representative, transmitting a Report to the Congress Under Section 282(c)(5) of the Uruguay Round Agreements Act, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

9179. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Denial of Supplemental Security Income (SSI) Benefits for Fugitive Felons and Probation and Parole Violators (RIN: 0960–AE77) received June 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BURTON: Committee on Government Reform. H.R. 4110. A bill to amend title 44, United States Code, to authorize appropriations for the National Historical Publications and Records Commission for fiscal years 2002 through 2005 (Rept. 106–768). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on the Judiciary. H.R. 4700. A bill to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact (Rept. 106–769). Referred to the House Calendar.

Mr. HYDE: Committee on the Judiciary. House Joint Resolution 72. Resolution granting the consent of the Congress to the Red River Boundary Compact; with an amendment (Rept. 106–770). Referred to the House Calendar.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 4419. A bill to prevent the use of certain bank instruments for Internet gambling, and for other purposes; with an amendment (Rept. 106–771 Pt. 1). Ordered to be printed.

Mr. BURTON: Committee on Government Reform. H.R. 4744. A bill to require the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes (Rept. 106–772). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 4585. A bill to strengthen consumers' control over the use and disclosure of their health information by financial institutions, and for other purposes; with an amendment (Rept. 106–773 Pt. 1). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 2580. A bill to encourage the creation, development, and enhancement of State response programs for contaminated sites, removing existing Federal barriers to the cleanup of brownfield sites, and cleaning up and returning contaminated sites to economically productive or other beneficial uses; with an amendment (Rept. 106–775 Pt. 1). Ordered to be printed.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BLILEY: Committee on Commerce. H.R. 1954. A bill to regulate motor vehicle insurance activities to protect against retroactive regulatory and legal action and to create fairness in ultimate insurer laws and vicarious liability standards, with an amendment; referred to the Committee on Judiciary for a period ending not later than September 15, 2000, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(k), rule X (Rept. 106–774 Pt. 1).

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 4419. Referral to the Committee on the Judiciary extended for a period ending not later than September 22, 2000.

H.R. 2580. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than September 22, 2000.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LANTOS:

H.R. 4898. A bill to amend titles XVIII and XIX of the Social Security Act to require nursing facilities to be air conditioned to receive Medicare or Medicaid funding; 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. GILMAN:

H.R. 4899. A bill to establish a commission to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Pacific region of Asia through the promotion of democracy, human rights, the rule of law, free trade, and open markets, and for other purposes; to the Committee on International Relations.

By Mr. HANSEN:

H.R. 4900. A bill to make certain adjustments to the boundaries of the Mount Nebo Wilderness Area, and for other purposes; to the Committee on Resources.

By Mr. SMITH of Michigan:

H.R. 4901. A bill to authorize appropriations for fiscal years 2001, 2002, and 2003 for the National Science Foundation, and for other purposes; to the Committee on Science.

By Mrs. CHENOWETH-HAGE (for herself, Mr. DOOLITTLE, Mr. PAUL, and Mrs. EMERSON):

H.R. 4902. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit against income tax for individuals who purchase a residential safe storage device for the safe storage of firearms; to the Committee on Ways and Means.

By Mr. DINGELL (for himself and Mr. MARKEY):

H.R. 4903. A bill to amend the Communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications entities by or to foreign governments; to the Committee on Commerce.

By Mr. ABERCROMBIE:

H.R. 4904. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians, and for other purposes; to the Committee on Resources.

By Mr. ANDREWS:

H.R. 4905. A bill to amend the Real Estate Settlement Procedures Act of 1974 to authorize a homeowner to recover treble damages from the homeowner's mortgage escrow servicer for failure by the servicer to make timely payments from the escrow account for homeowners insurance, taxes, or other charges; to the Committee on Banking and Financial Services.

By Mr. BARCIA (for himself and Ms. RIVERS):

H.R. 4906. A bill to authorize the National Institute of Standards and Technology to work with major manufacturing industries on an initiative of standards development and implementation for electronic enterprise integration; to the Committee on Science.

By Mr. BATEMAN:

H.R. 4907. A bill to establish the Jamestown 400th Commemoration Commission, and for other purposes; to the Committee on Government Reform.

By Mr. CANADY of Florida (for himself and Mr. BARR of Georgia):

H.R. 4908. A bill to amend title 18, United States Code, to provide for the disclosure of electronic monitoring of employee communications and computer usage in the workplace; to the Committee on the Judiciary.

By Mr. CRAMER:

H.R. 4909. A bill to amend title 38, United States Code, to permit retired members of the Armed Forces who retired with over 20 years of service, were awarded the Purple Heart, and have a service-connected disability compensable by the Department of Veterans Affairs to receive compensation from the Department of Veterans Affairs concurrently with military retired pay, without reduction of either, and to provide

for the preservation of certain benefits for surviving spouses of veterans and retired members of the Armed Forces; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS:

H.R. 4910. A bill to amend title 39, United States Code, to make nonmailable any mail matter which bears on its face or on its envelope or outside cover or wrapper the Social Security account number of any individual; to the Committee on Government Reform.

By Mr. HAYWORTH:

H.R. 4911. A bill to amend title 5, United States Code, to provide competitive civil service status for National Guard technicians who are involuntarily separated other than for cause from National Guard service; to the Committee on Government Reform.

By Mr. HILL of Montana:

H.R. 4912. A bill to require the conveyance of certain real property under the jurisdiction of the Secretary of Veterans Affairs in Miles City, Montana; to the Committee on Veterans' Affairs.

By Mr. KIND:

H.R. 4913. A bill to establish a system for the reimbursement of fines levied and collected due to illegal practices engaged in by participants in the petroleum industry to injured consumers based on the consumers' distance from Eau Claire, Wisconsin; to the Committee on the Judiciary.

By Mr. KLINK:

H.R. 4914. A bill to extend the deadline for commencement of construction of a hydroelectric project in Pennsylvania; to the Committee on Commerce.

By Mr. MEEHAN (for himself, Mr. ABERCROMBIE, Mr. KENNEDY of Rhode Island, Mr. LANTOS, Ms. NORTON, Mr. RANGEL, Ms. SCHAKOWSKY, Mr. TIERNEY, Mr. WEXLER, and Mr. WYNN):

H.R. 4915. A bill to provide for the implementation of a system of licensing for purchasers of handguns and for a record of sale system for handguns, and for other purposes; to the Committee on the Judiciary.

By Mr. ROHRABACHER (for himself and Mr. MATSUI):

H.R. 4916. A bill to amend the Internal Revenue Code of 1986 to increase the aggregate cost of certain reusable pallets and containers and related property which may be expensed under section 179; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 4917. A bill to amend the Federal Water Pollution Control Act relating to marine sanitation devices; to the Committee on Transportation and Infrastructure.

By Mr. ENGEL:

H. Con. Res. 378. Concurrent resolution expressing the sense of the Congress regarding the conviction of ten members of Iran's Jewish community; to the Committee on International Relations.

By Mr. STUPAK (for himself, Mr. MCCOLLUM, Mr. HOLDEN, Mr. DOYLE, Mr. BORSKI, Mr. BARCIA, Mr. WAMP, Mr. BONIOR, Mr. EDWARDS, Mrs. MCCARTHY of New York, Mr. KING, Mr. PASCRELL, Mr. CROWLEY, Mr. MOLLOHAN, Mr. FROST, Mr. RAMSTAD, Mr. HOYER, Mr. STRICKLAND, Mr. OXLEY, Mr. BISHOP, Mr. BALDACCI, Mr. FARR of California, Mr. COOK, Mr. BARRETT of Wisconsin, Mr. DELAHUNT, Mr. MARKEY, Mr. COSTELLO, Mr. WEINER, Mr. SMITH of Washington, Mr. CRAMER, Mr. VISCLOSKY, Mr. WYNN, Mrs. CAPPS, Mr. LUTHER, Ms. RIVERS, Ms. SLAUGHTER, Mr. JOHN, Ms. STABENOW, Mr. LEVIN, Mr. MALONEY of Connecticut, Mr. GORDON, Mr. PALLONE, Mr. GREEN of Texas, Ms. ESHOO, Mr. WAXMAN, Mr. DEUTSCH, Mr. GILMAN, Mr. SCOTT, Mr. MINGE, Mr. BOUCHER, Mr. CALVERT, Mr. POMEROY, Mr. BROWN of Ohio, Mr. BRADY of Pennsylvania, Mr. KANJORSKI, Mr. KLINK, Mr. CAMP, Mr. HOEFFEL, Mr. ETHERIDGE, Mr. BOEHLERT, Ms. KAPTUR, Ms. JACKSON-LEE of Texas, Mr. HINCHEY, Mr. REYES, Mr. KNOLLENBERG, Mr. WU, and Mr. WEXLER):

H. Res. 561. A resolution expressing the sense of the House of Representatives that the President should focus appropriate attention on the issue of neighborhood crime prevention, community policing and reduction of school crime by delivering speeches, convening meetings, and directing his Administration to make reducing crime an important priority; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

416. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 00–1020 memorializing the United States Congress and the President of the United States to significantly increase the amount of spending for the nation's armed forces; to the Committee on Armed Services.

417. Also, a memorial of the Senate of the State of Illinois, relative to Senate Joint Resolution No. 35 the Congress of the United States to appropriate such funds as are necessary to complete this vital program to insure that maps are accurate so that homeowners are not charged exorbitant rates based on outdated information; to the Committee on Banking and Financial Services.

418. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Joint Resolution No. 24 memorializing the United States Environmental Protection Agency and Congress to work with the northeastern states and gasoline refiners to authorize the use of a regional gasoline containing less or no MTBE additive and to promptly eliminate Clean Air Act requirements for oxygenates in gasoline; to the Committee on Commerce.

419. Also, a memorial of the General Assembly of the State of Colorado, relative to Senate Joint Resolution No. 00–031 memorializing the FCC not to preempt local government land use decision-making and state judicial processes, thus overriding local and state government authority; to the Committee on Commerce.

420. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 48 memorializing the Congress of the United States and the Clinton Administration to recognize state interests and enact legislation that would prohibit the federal Department of Health and Human Services from recouping the tobacco settlement funds as third-party recoveries under Medicaid Law; to the Committee on Commerce.

421. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 00–1015 memorializing the United States Congress to consider fully funding the PILT program for fiscal year 2001 to more accurately compensate countries for the burden of maintaining tax-exempt federal lands; to the Committee on Commerce.

422. Also, a memorial of the Senate of the State of Colorado, relative to House Joint Resolution No. 00–1041 memorializing th United States government to invest at least $100 million in international tuberculosis control in fiscal year 2001 to jumpstart tuberculosis control programs in the highest impact countries around the world; to the Committee on International Relations.

423. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 00–1023 requesting the citizens of the state of Colorado to endorse participants in ''The People To People Ambassadorship Program'' and to recommit this state to engaging in programs and activities that will continue to support ongoing efforts to make Colorado's students responsible American and world citizens; to the Committee on International Relations.

424. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 00–1009 memorializing the President and the Congress of the United States to take whatever steps necessary to initiate talks with the Democratic People's Republic of Korea, the People's Republic of China, the Russian Federation, and the Socialist Republic of Vietnam for the purpose of obtaining the release of Americans being held against their will; to the Committee on International Relations.

425. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 39 urging the Bureau of the Census to conduct 2000 decennial census consistant with the United States Supreme Court ruling and consitutional mandate, which require a physical headcount of the population and bars the use of statistical sampling to create or in any way adjust the count; opposing the use of P.L. 94–171 data for legislative redistricting; and demanding that the data received from P.L. 94–171 for legislative redistricting be identical to the census tabulation data; to the Committee on Government Reform.

426. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 12 memorializing Congress and urging the Coastal Wetlands Planning, Protection and Restoration Act Task Force to support favoring barrier island restoration projects in the selection of restoration projects under the BREAUX Act; to the Committee on Resources.

427. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 00–1049 memorializing the Congress to ensure that any and all land purchased, leased, or otherwise acquired pursuant to designation of the Sand Creek Massacre National Historic Site as a unit of the National Park Service be acquired solely from willing sellars or lessors that no comdemnation or control be exerted by the federal government upon any landowner who is not willing to enter into an agreement with the federal government for such purpose; and urging that the current landowners receive just and equitable compensation in any transaction to the Committee on Resources.

428. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution No. 00–1036 supporting all action necessary and possible in order for projects to proceed aggressively to control insect and disease epidemics around

Colorado; supporting analysis of roadless areas of the national forests and grasslands in Colorado through the existing forest planning process; supporting the full funding of forest plans for the national forests and national grasslands; and supporting an aggressive stategy to comprehensively reduce the catastrophic fire risk and improve the health of Colorado's forests; to the Committee on Resources.

429. Also, a memorial of the Legislature of the State of New Hampshire, relative to House Joint Resolution No. 20 memorilizing the United States Congress to fully fund the Ricky Ray Hemophilia Relief Fund Act for HIV victims; to the Committee on the Judiciary.

430. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 216 memorializing the Congress of the United States to propose submission to the states for their ratification an amendment to the Constitution of the United States Supreme Court or any inferior court of the United States to mandate any state or political subdivision of the state levy or increase taxes; to the Committee on the Judiciary.

431. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 40 memorializing the United States Congress to express its commitment to the Nation's waterways by making available additional financial and technical assistance to aid the State of Illinois in preserving and maintaining its importatant waterways and the critical locks and dams they contain; to the Committee on Transportation and Infrastructure.

432. Also, a memorial of the Senate of the State of Illinois, relative to Senate Joint Resolution No. 32 memorializing the Congress of the United States of America to ensure long-term financial viability of Social Security, as desribed above, and restore public confidence in the future of the program and to provide full benefit coverage for prescription medication under the federal Medicare program; jointly to the Committees on Ways and Means and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. DELAHUNT introduced A bill (H.R. 4918) to authorize and request the President to award the Medal of Honor to James L. Cadigan of Hingham, Massachusetts; which was referred to the Committee on Armed Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Ms. ROS-LEHTINEN.
H.R. 53: Mr. RADANOVICH.
H.R. 175: Mr. LARGENT.
H.R. 218: Mrs. NORTHUP.
H.R. 303: Mr. HOSTETTLER and Mr. DOOLITTLE.
H.R. 353: Mr. KUYKENDALL, Mr. FLETCHER, Mr. SISISKY, Mrs. MEEK of Florida, and Mr. HINOJOSA.
H.R. 390: Mr. GUTIERREZ, Mr. EVANS, Mrs. MALONEY of New York, and Mr. ENGEL.
H.R. 405: Mr. BASS.
H.R. 418: Mr. MCNULTY.
H.R. 423: Mr. DOOLITTLE.
H.R. 531: Mr. SENSENBRENNER, Mr. COYNE, and Mr. BASS.
H.R. 534: Mr. BILIRAKIS.
H.R. 555: Mr. PAYNE.
H.R. 583: Mr. TURNER.
H.R. 797: Mr. GIBBONS and Mr. CALVERT.
H.R. 801: Mrs. FOWLER.
H.R. 870: Mr. GREEN of Texas.
H.R. 1020: Mrs. BONO.
H.R. 1057: Mrs. MCCARTHY of New York.
H.R. 1122: Mr. BERMAN, Mr. COX, Mr. MOLLOHAN, and Mr. BLUNT.
H.R. 1144: Mr. GREEN of Texas.
H.R. 1217: Mr. UPTON.
H.R. 1228: Mr. GONZALEZ, Mr. CROWLEY, Ms. BROWN of Florida, and Mr. LEVIN.
H.R. 1303: Mr. MANZULLO and Mrs. MCCARTHY of New York.
H.R. 1310: Mr. LOBIONDO and Mr. DAVIS of Illinois.
H.R. 1594: Mr. WAXMAN and Mr. BLAGOJEVICH.
H.R. 1634: Ms. VELÁZQUEZ and Mr. HALL of Texas.
H.R. 1636: Ms. WOOLSEY.
H.R. 1871: Mr. BARRETT of Wisconsin and Mr. BROWN of Ohio.
H.R. 1926: Mr. BOEHLERT.
H.R. 2138: Mr. LARSON, Mr. MCNULTY, and Mr. DAVIS of Illinois.
H.R. 2308: Mrs. JOHNSON of Connecticut.
H.R. 2431: Mr. MCINNIS.
H.R. 2446: Ms. RIVERS.
H.R. 2457: Mr. MOORE and Mr. GEJDENSON.
H.R. 2463: Mr. DOOLEY of California.
H.R. 2492: Mrs. MCCARTHY of New York.
H.R. 2624: Ms. VELÁZQUEZ and Ms. LOFGREN.
H.R. 2631: Mr. UPTON.
H.R. 2710: Mr. GREEN of Texas.
H.R. 2720: Mr. MICA.
H.R. 2870: Mrs. NAPOLITANO.
H.R. 3003: Ms. WOOLSEY.
H.R. 3004: Mr. SERRANO, Ms. KAPTUR, Mr. SKELTON, and Mr. SANDLIN.
H.R. 3219: Mrs. NORTHUP.
H.R. 3249: Mr. WELDON of Pennsylvania, Mr. BLAGOJEVICH, and Mr. JEFFERSON.
H.R. 3266: Ms. WATERS, Mr. DEFAZIO, Mr. KUCINICH, and Mr. NADLER.
H.R. 3309: Mr. NUSSLE.
H.R. 3433: Mr. HOEFFEL, Mr. ALLEN, Mr. BERMAN, and Mrs. MINK of Hawaii.
H.R. 3463: Mr. BERMAN, Mr. SCHAFFER, Mr. DAVIS of Illinois, Mr. WAXMAN, Mr. MCNULTY, Mr. CRANE, Ms. SLAUGHTER, and Mr. LATOURETTE.
H.R. 3466: Mr. SKELTON.
H.R. 3575: Mr. DEMINT.
H.R. 3580: Ms. SANCHEZ, Mr. SISISKY, Mr. MICA, Mr. DOOLEY of California, Mr. SAWYER, Mr. GOODLATTE, and Mr. SCOTT.
H.R. 3610: Mr. BALDACCI, Mr. PRICE of North Carolina, Mr. MATSUI, Mr. BERMAN, Mr. BONIOR, Mr. EVANS, Mr. FATTAH, Mr. PASTOR, Mr. FALEOMAVAEGA, Mr. LARSON, Mr. KILDEE, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Ms. KILPATRICK, Mr. KENNEDY of Rhode Island, and Ms. BROWN of Florida.
H.R. 3674: Mr. PETRI.
H.R. 3698: Mr. CROWLEY, Ms. KAPTUR, Mr. BEREUTER, Mr. MCCOLLUM, and Mr. EDWARDS.
H.R. 3700: Mr. WALSH, Ms. ESHOO, Ms. LOFGREN, Mr. DAVIS of Illinois, Mr. CALVERT, and Mr. UPTON.
H.R. 3842: Mr. MEEKS of New York, Mr. HASTINGS of Florida, Mr. HALL of Texas, Mr. DICKS, Mr. BENTSEN, Ms. BERKLEY, Mr. RUSH, and Mr. WEYGAND.
H.R. 4033: Mr. WELDON of Florida, Mr. MANZULLO, and Mr. SHIMKUS.
H.R. 4113: Mr. BURTON of Indiana and Mr. MCINTOSH.
H.R. 4136: Mr. BACA.
H.R. 4211: Mr. FARR of California and Mr. PALLONE.
H.R. 4213: Mr. MILLER of Florida and Mr. HAYWORTH.
H.R. 4215: Mr. BATEMAN, Mr. COLLINS, and Mr. BOYD.
H.R. 4239: Ms. DANNER.
H.R. 4245: Mr. CLEMENT.
H.R. 4277: Mr. BAIRD, Mr. TANCREDO, and Mr. KILDEE.
H.R. 4311: Mr. JONES of North Carolina, Mr. MEEKS of New York, and Mr. GUTIERREZ.
H.R. 4334: Mrs. MINK of Hawaii.
H.R. 4366: Mr. MCDERMOTT, Mr. GILMAN, and Ms. SLAUGHTER.
H.R. 4434: Mr. LAFALCE, Ms. PRYCE of Ohio, and Mr. HOLDEN.
H.R. 4492: Mr. WEXLER and Mr. CANNON.
H.R. 4502: Mr. BACA, Mr. BEREUTER, Mr. KOLBE, Mr. COOK, Mr. NETHERCUTT, Mr. HALL of Texas, Mr. REYNOLDS, and Mr. BRADY of Texas.
H.R. 4507: Mr. KUCINICH.
H.R. 4543: Mr. OXLEY, Ms. PRYCE of Ohio, Mr. LIPINSKI, Mr. POMBO, and Mr. GOODE.
H.R. 4556: Mr. MCCRERY.
H.R. 4566: Mr. RAHALL.
H.R. 4575: Mr. HINOJOSA.
H.R. 4639: Mr. PALLONE.
H.R. 4652: Mr. BOYD.
H.R. 4654: Mr. TERRY, Mr. BUYER, Mr. GIBBONS, Mr. SAXTON, Mr. CHAMBLISS, Mr. DEAL of Georgia, Mr. KOLBE, and Mrs. EMERSON.
H.R. 4659: Mr. PALLONE and Mr. BONIOR.
H.R. 4665: Mr. GONZALEZ, Ms. PELOSI, Mr. HALL of Ohio, Ms. MCKINNEY, Mr. BRADY of Pennsylvania, Mr. FROST, Mr. CROWLEY, and Mr. EVANS.
H.R. 4685: Mr. CALVERT.
H.R. 4701: Mr. CUNNINGHAM, Mr. BARTLETT of Maryland, Mr. PACKARD, Ms. SANCHEZ, and Mr. SHERMAN.
H.R. 4728: Mr. GOODLATTE, Mr. BLAGOJEVICH, and Mr. MCHUGH.
H.R. 4740: Mr. LIPINSKI, Ms. MCKINNEY, and Mr. FATTAH.
H.R. 4745: Mr. ISAKSON, Mr. GILMAN, and Mr. HOUGHTON.
H.R. 4747: Mr. MCKEON, Mr. ARMEY, Mr. SMITH of Washington, Mr. TALENT, and Ms. DUNN.
H.R. 4756: Mr. COYNE, Mrs. CLAYTON, and Mrs. JONES of Ohio.
H.R. 4759: Mr. HAYWORTH, Mr. GILCHREST, and Mr. HINOJOSA.
H.R. 4760: Mr. NEAL of Massachusetts, Mr. RAHALL, and Mr. ROMERO-BARCELO.
H.R. 4765: Mr. LAHOOD.
H.R. 4770: Mr. VISCLOSKY.
H.R. 4791: Mr. HANSEN.
H.R. 4793: Mr. DEFAZIO.
H.R. 4798: Mr. BACA.
H.R. 4807: Mr. KLECZKA, Mr. BISHOP, Mr. ROEMER, Ms. KAPTUR, Mr. TURNER, Mr. LIPINSKI, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. FATTAH, Mr. KUCINICH, Mr. MCDERMOTT, Ms. HOOLEY of Oregon, Mr. PASCRELL, Mr. ANDREWS, Mr. THOMPSON of Mississippi, Mr. ROMERO-BARCELO, Mr. HOLDEN, Mr. KIND, Ms. DELAURO, Mr. HOLT, Mr. REYES, Mr. BRADY of Texas, Mr. KILDEE, Mr. PAYNE, Mr. ALLEN, Mr. SWEENEY, Mrs. JONES of Ohio, Mr. BASS, Mr. CUMMINGS, Mr. ORTIZ, Mr. WATKINS, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MCCARTHY of New York, Mr. OWENS, Mr. PHELPS, Mr. SANDLIN, Mr. UDALL of Colorado, Ms. NORTON, Mr. CROWLEY, Ms. DUNN, Mr. MORAN of Virginia, Mr. GIBBONS, Ms. CARSON, Mr. BLILEY, Mr. HOEFFEL, and Mr. OSE.
H.R. 4825: Mr. COOK, Ms. DEGETTE, Ms. DELAURO, Mr. ROGAN, Mr. HALL of Texas, Mr. OXLEY, and Mr. LATOURETTE.
H.R. 4827: Mr. KUYKENDALL and Mr. HOLDEN.
H.R. 4844: Ms. MILLENDER-MCDONALD, Ms. ROS-LEHTINEN, Ms. SCHAKOWSKY, Mr.

LoBiondo, Mr. Weiner, Mr. Shimkus, Mr. Scott, Mrs. Biggert, Mr. Udall of Colorado, Mr. Doolittle, Mr. Clyburn, Mrs. Emerson, Mr. Moore, Mrs. McCarthy of New York, Mr. John, Mr. Baca, Mr. Rothman, Mr. Waxman, Mr. Watts of Oklahoma, Mr. English, Mr. Nethercutt, Mr. Castle, Mr. Hilliard, Mr. Filner, Mr. Lucas of Kentucky, Mr. Gekas, Mr. Jackson of Illinois, Mr. Walsh, Mr. Barrett of Nebraska, Ms. DeGette, Mr. Etheridge, Mr. Gutierrez, Ms. Rivers, Mr. Lantos, Mr. Payne, Mr. Engel, Mrs. Clayton, Mr. McGovern, Mr. George Miller of California, Mr. Wexler, Mr. Pickering, Mr. Young of Alaska, Mr. Callahan, Mr. Thompson of Mississippi, Mr. DeFazio, Mr. Hall of Texas, Mr. Upton, Mr. Calvert, Mr. Faleomavaega, Mr. Kleczka, Mr. Linder, Mr. Baldacci, Ms. Dunn, Mr. Rodriguez, Mr. Ganske, Mr. Greenwood, Mr. Brady of Texas, Ms. Granger, Mr. Skeen, Mr. Hobson, Mr. Green of Wisconsin, Mr. McHugh, Mr. Hastings of Washington, Mr. Walden of Oregon, Mr. Jones of North Carolina, Mrs. Chenoweth-Hage, Mr. Mollohan, and Mr. Lazio.

H.R. 4850: Mr. Bilirakis, Mr. Hayworth, Mr. Reyes, Mr. Snyder, Ms. Berkley, Ms. Carson, Mr. Udall of New Mexico, Mr. Gutierrez, Ms. Brown of Florida, and Mr. Peterson of Minnesota.

H.R. 4857: Mr. Clement and Mr. Moore.

H.R. 4864: Mr. Combest, Mr. Diaz-Balart, Mr. LoBiondo, Mr. Wamp, Mr. Hayworth, Mr. Pomeroy, Mr. Hinchey, Mr. Costello, Mr. Isakson, Mr. Kleczka, Mr. Snyder, Mr. Gutierrez, Mr. Hill of Indiana, and Mr. Upton.

H.R. 4892: Ms. Norton.

H.J. Res. 102: Mr. Everett.

H.J. Res. 105: Mr. Bishop and Mr. John.

H. Con. Res. 58: Ms. McKinney, Mr. Engel, Mr. Owens, Mrs. Northup, Mr. Rahall, and Mrs. Mink of Hawaii.

H. Con. Res. 298: Mr. Andrews.

H. Con Res. 327: Mr. Stearns, Mr. Largent, Mr. McCrery, Mr. Burr of North Carolina, Mr. Schaffer, Mr. Boehner, Mr. McInnis, Mr. Ehlers, Mr. Tanner, Mr. Goodling, Mr. Rohrabacher, Mr. Ose, Mrs. Bono, Mr. Calvert, Mr. Lewis of California, Mr. McKeon, Mr. Herger, Mr. Pombo, Mr. Radanovich, Mr. Doolittle, Mr. McCollum, Mr. Gonzalez, Mr. Larson, Mr. Hoeffel, Mr. Stupak, Mr. Brady of Pennsylvania, Mr. Borski, Mr. Holden, Mr. Doyle, Mr. Klink, Mr. Mascara, and Mr. Murtha.

H. Con. Res. 341: Mrs. Mink of Hawaii.

H. Con. Res. 363: Ms. Jackson-Lee of Texas and Ms. Carson.

H. Con. Res. 370: Mr. McNulty, Mrs. Kelly, Mr. Payne, and Mr. Dixon.

H. Con. Res. 376: Mr. Towns.

H. Res. 107: Mr. Bentsen.

H. Res. 414: Mr. Stark, Mr. Holt, Mr. Baird, and Ms. Kilpatrick,

H. Res. 437: Mr. Kind.

H. Res. 461: Mr. Deutsch, Mr. Davis, of Illinois, Mr. Doyle, Mr. Lampson, Mr. Hilliard, Mrs. Kelly, and Mr. Lofgren.

H. Res. 537: Mr. Canady of Florida, Ms. Slaughter, and Mr. Gonzalez.

H. Res. 543: Mr. Bereuter.

H. Res. 551: Mr. Dickey and Mr. Terry.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 11 by Ms. SLAUGHTER on House Resolution 520: Edward J. Markey.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4871

OFFERED BY: MS. DELAURO

AMENDMENT NO. 17: Strike section 509.

H.R. 4871

OFFERED BY: MR. INSLEE

AMENDMENT NO. 18: Page 64, after line 8, insert the following new section:

SEC. 521. Not later than 90 days after the date of the enactment of this Act, the Inspector General of each agency funded under this Act shall submit to the Congress a report that discloses—

(1) any agency activity related to the collection or review of singular data, or the creation of aggregate lists that include personally identifiable information, about individuals who access any Internet site of the agency; and

(2) any agency activity related to entering into agreements with third parties, including other government agencies, to collect, review, or obtain aggregate lists or singular data containing personally identifiable information relating to any individual's access or viewing habits to nongovernmental Internet sites.

H.R. 4871

OFFERED BY: MR. RANGEL

AMENDMENT NO. 19: At the end of the bill, insert after the last section (page 112, after line 13) the following new section:

SEC. 644. None of the funds made available in this Act may be used by the Department of the Treasury to enforce the economic embargo of Cuba, as defined in section 4(7) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (Public Law 104–114).

H.R. 4871

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 20: At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. No funds in this bill may be used in contravention of the Act of March 3, 1933 (41 U.S.C. 10a et seq.; popularly known as the ''Buy American Act'').

H.R. 4871

OFFERED BY: MR. VITTER

AMENDMENT NO. 21: In the item relating to ''INTERNAL REVENUE SERVICE–PROCESSING, ASSISTANCE, AND MANAGEMENT'', insert after the first dollar amount the following: ''(reduced by $25,000,000)''.

In the item relating to ''FEDERAL DRUG CONTROL PROGRAMS–HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM'', insert after the first dollar amount the following: ''(increased by $25,000,000)''.